

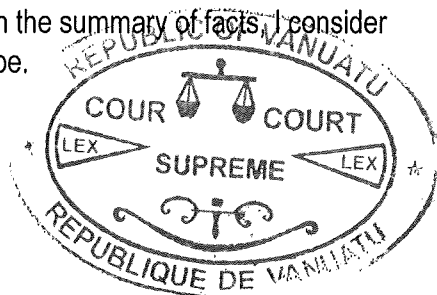
BETWEEN Public Prosecutor

AND Shem Iauko
 David Iauko
 Katie Bob
 Jerom Iala
 Defendants

Date: 10 April 2019
Before: G.A. Andrée Wiltens
Counsel: Ms K. Mackenzie for the Public Prosecutor
 Mr G. Takau for the Defendant

SENTENCE

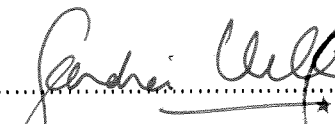
1. The defendants pleaded guilty, at the earliest opportunity, to a charge of intentional assault. The maximum sentence for that offence is 5 years imprisonment.
2. The facts are admitted. Apparently in retaliation for the complainant saying bad things about them, the defendants entered a house armed with certain objects and a hammer. They attacked the complainant to his head and face with their hands and those weapons, before others present removed the defendants from the premises. The complainant received some bruising.
3. There are aggravating factors involved in this offending: namely, the entry into another's property uninvited, by a group of four armed defendants, the "ganging up" of four against one, and the element of planning involved. Fortunately, there was no serious harm occasioned to the complainant who had armed himself with a bush knife.
4. Due to the relatively minor nature of the offence, as revealed in the summary of facts, I consider this case to be at the lower level of criminal culpability of its type.



5. The PSR reveals that there has been no custom ceremony, although the defendants are willing to address that. They say the attack was in retaliation for the complainant approaching the defendants with a bush knife – but all the defendants accepted the Summary of Facts as being correct. I cannot therefore accept this exculpatory explanation. There is also a suggestion that a land dispute is in the background to this offending, which I have to accept is possible.
6. Shem Iauko and Jerom Iala are aged 42, David Iauko is aged 41, and Katie Bob is aged 37. All the defendants are married with 5 children and they are all the sole breadwinners for their families. All have no previous convictions.
7. The PSR recommends that each defendant be sentenced to serve a period of 100 hours of Community work. I agree that such a sentence adequately reflects their criminal culpability taking the aggravating and mitigating factors into account. That is accordingly the sentence imposed on each defendant.
8. The defendants have 14 days to appeal this sentence if they so wish.

DATED at Tanna this 10th day of April 2019

BY THE SUPREME COURT


Justice G. A. Andrée Wiltens

