

PUBLIC PROSECUTOR

V

HERROMINGLY MARIE THERESE

Date of Sentence: 23rd day of July, 2020 at 2:00 PM

Before: Justice GA Andrée Wiltens

In Attendance: Public Prosecutor - Damien Boe

Defendant - Rollanson Willie

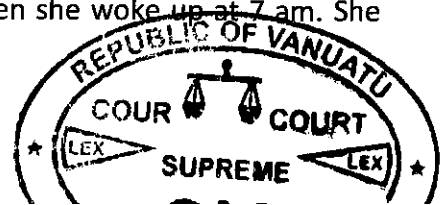
SENTENCE

A. Introduction

1. Ms Herromingly pleaded guilty to intentional assault resulting in death. The maximum penalty for this offence is 14 years imprisonment.

B. Facts

2. Ms Heromingly and the deceased were de factor partners living at BP Bon area in Luganville since 2019.
3. In the early morning of 22 February 2020 the deceased was intoxicated, listening to music on his phone via a sound box. There was an argument relating to the noise. Ms Heromingly took the phone which caused the deceased to slap her face. She then went into their house, followed by the deceased.
4. In the bedroom Ms Heromingly stabbed the deceased with a 31 cm knife to his chest. The stab wound penetrated by some 12 cm. The stab wound is the cause of death.
5. When interviewed, Ms Heromingly told the police she and her partner had been drinking the previous evening and she went to bed at 3 am. Her partner continued drinking and was drunk when she woke up at 7 am. She



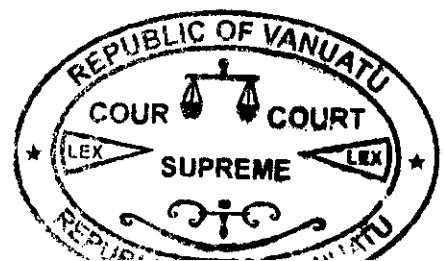
told him the music was too loud as others were still asleep. After he had slapped her she went to hide the phone inside their home. Then she saw the knife. When her partner assaulted her again she picked up the knife swung it and stabbed her partner to his left chest.

C. Sentence Start Point

6. The sentence start point is to be assessed by considering the maximum sentence available as well as the aggravating and mitigating aspects of the offending.
7. In this case, the maximum sentence is 14 years imprisonment. The mitigating aspects of the offending is that Ms Heromingly had been assaulted shortly before the incident, and was in the process of again being assaulted, which caused her to respond.
8. The aggravating factor is the fact that she obtained and used the knife to stab the deceased, and she stabbed him in a vulnerable part of the body.
9. Accordingly, the sentence start point is set at 4 years 6 months imprisonment – see *Lava v. PP* [2020] VUCA 28. The authority of *PP v. Hinge*, Criminal Case No. 20/714 is different to this case in that there was a lengthy history of domestic violence evidenced in Hinge. That is not the case here.

D. Personal Factors

10. Ms Heromingly pleaded guilty at the first available opportunity. However, as the prosecution case against her was very strong, she had little option but to plead guilty. The mitigation for her prompt guilty plea is accordingly set at 25%.
11. Ms Heromingly is now 23 years old. She has a 13 month old child to care for. She has no previous convictions.
12. Her family has conducted a custom reconciliation ceremony with significant gifts changing hands. As Ms Heromingly was remanded in custody, she was unable to be present and participate. However, she maintains she is extremely remorseful – and she has made that clear from immediately after the event. I accept her remorse is genuine.
13. For Ms Heromingly personal circumstances I further reduce the sentence start point by 15 months.



E. End Sentence

- 14. Ms Heromingly is to serve 2 years 2 ½ months imprisonment. The sentence is back-dated to 24 February 2020 to reflect time already served.
- 15. Ms Heromingly sentence is entirely suspended I accept there is genuine remorse. She had pleaded guilty immediately. She has no previous convictions and has excellent prospects of rehabilitating within the community. She has a young child to care for, and she has to live with the knowledge that she cause the needless loss of her partner's life. The suspension of sentence is to run for 3 years. She needs to remain offence-free to avoid having to serve the sentence.
- 16. Ms Heromingly is further sentenced to 18 months of supervision and must serve 100 hours of community service.
- 17. Ms Heromingly has 14 days to appeal this sentence if she is unhappy with it.

DATED at Luganville this 23rd day of July, 2020

BY THE COURT

Justice GA Andrée Wiltens
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Justice GA Andrée Wiltens

