

**IN THE SUPREME COURT  
OF THE REPUBLIC OF VANUATU**  
*(Criminal Jurisdiction)*

**Criminal  
Case No. 20/2928 SC/CIVL**

**BETWEEN: Public Prosecutor**

**AND: Amos Pripri**  
**Defendant**

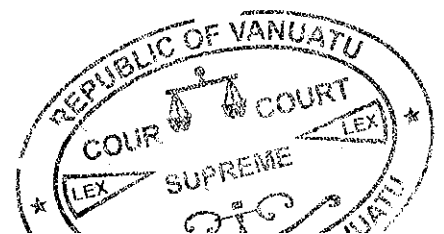
**Date of Plea:** *1<sup>st</sup> December 2020*  
**Date of Sentence:** *17<sup>th</sup> December 2020*  
**Before:** *Justice Oliver.A.Saksak*  
**In Attendance:** *Ms Marie Taiki for Public Prosecutor*  
*Ms Linda Bakokoto for Defendant*

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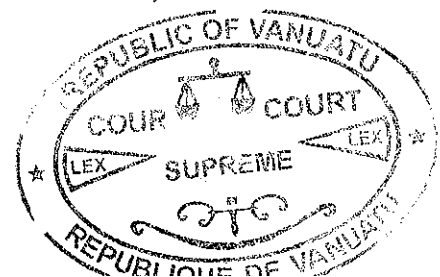
**SENTENCE**

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1. Amos Pripri is for sentence today for having pleaded guilty to one count of intentional assault causing injuries of a temporary nature.
2. Section 107 (b) of the Penal Code Act provides the maximum penalty for this offence to be 5 years imprisonment.
3. The facts are simple. On 24<sup>th</sup> September 2020 the defendant met an 11 year old boy behind a residential home in the vicinity of Erakor Bridge. The defendant was trying to shake off pawpaw fruits from a tree. He was holding a small knife at the time. He instructed the boy to climb up the pawpaw tree. The victim refused saying he was tired from climbing up a coconut tree. The defendant then threatened the victim with his small knife. The victim retreated by walking backwards. The defendant followed pointing the knife at the victim's face. He told the victim he was a "prisoner" and that he would cut him with the knife. He then cut the small (last index finger) of the left hand of the victim. The victim ran away in fear of the defendant.
4. A witness Okis Kalo saw the victim ran to his home, frightened and crying. He saw that he was hurt. He questioned the victim who told him about what the defendant had done to him.



5. The victim was taken to hospital and examined by Doctor Samuel Kemuel. His examination shows "*a laceration of about 1cm above the middle crease of the left little finger with little bleeding but no evidence of bone or tendon injury.*" The doctor's conclusion is that the "*injury is consistent with alleged mode-sharp object such as knife.*"
6. The defendant has accepted those facts.
7. In sentencing the defendant I have considered the cases of **Tari v PP** [2011] VUCA 26 and **PP v Roger David** Crc 18/1248 by way of comparison. Tari's case was more serious in that the injuries caused were of permanent nature. Roger's case is more relevant and is applicable to this case. Tari's case is helpful however because it sets out the aggravating factors the Court needs to take into account.
8. In this case I accept there were no mitigating circumstances. The aggravating features are that (a) the attack was absolutely unprovoked, (b) there was the use of a weapon, a knife, (c) the victim is younger by 33 years (d) the defendant's past criminal record and previous convictions in the Magistrates Court in 2014 for unlawful entry and theft, in 2017 for attempted escape from custody, intentional assault and threats to kill, and in May 2019 for being idle and disorderly behaviour.
9. For all these factors together, I set the starting sentence at 2 years and 4 months imprisonment or 28 months in prison.
10. In mitigation I take into account his guilty plea. I allow only 25% deduction for this factor having regard to the defendant's past blemished record. This means 7 months are deducted from his 28 months imprisonment.
11. I have read his pre-sentence report. He is 39 years old, currently living in a de facto relationship. His partner is currently pregnant. He was the sole bread winner for his family. He had no gainful employment. He had made several attempts to perform custom reconciliation. That shows remorse on his part. For all these, I deduct another 4 months from his balance of 21 months sentence.



12. I therefore sentence the defendant to an end sentence of 17 months imprisonment. This sentence will not be suspended. There are no exceptional circumstances to warrant suspension.
13. But I have taken his pre-custodial period into account and order that his sentence be backdated to 28<sup>th</sup> September 2020 when he was first remanded into custody.
14. The defendant has a right of appeal against this sentence within 14 days if he disagrees with it.

**DATED at Port Vila this 17<sup>th</sup> day of December 2020**

**BY THE COURT**

  
**OLIVER.A.SAKSAK**

**Judge**

