

BETWEEN: The Public Prosecutor
Prosecutor

AND: Solorani Taviti
Defendant

Coram: Justice Aru
Counsel Mr. D. Boe the Public Prosecution
Mr. L. Tevi for the Defendant

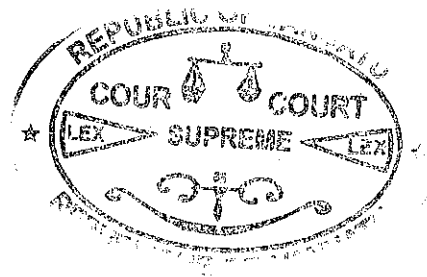
SENTENCE

Introduction

1. Mr Solorani Taviti pleaded guilty to a single charge of intentional assault causing damage of a temporary nature.

The facts

2. On 4 October 2020 the defendant who is a chief on the island of Malo assaulted the victim. The victim a young boy of 15 years was on his way home from the garden when he heard some one calling out his name. He returned to where the call came from and saw the defendant. The defendant then asked the victim the whereabouts of another boy called Tava. The victim answered that Tava was still with his father in the garden.
3. The defendant told the victim to follow him to the garden to look for Tava. Tava was not at the garden so the defendant and the victim went to Tava's house. Tava was not there and they went to Tava's big brother's house. Tava was also not there. The defendant saw Tava's Brother's son holding a rope and the defendant asked the boy to give him the rope which he did.
4. The defendant tied the rope around the victim's neck and pulled the victim to follow him. The victim begun gasping for air and the defendant released him. The defendant pulled the victim a second time and the rope broke. The defendant tied half of the rope again around the victim's neck and pulled him. The victim followed the defendant to the main road where they met Tava. When the defendant confronted Tava, the victim ran home and informed his parents of the incident.
5. When the defendant was arrested and cautioned he admitted the offending stating that he was very angry at that time.



Starting point

6. Intentional assault where damage of a temporary nature is caused is punishable by a maximum penalty of 5 years imprisonment. The offending is aggravated by the fact that a rope was used on the victim as a weapon and caused him to suffer some pain as a result of being pulled by the neck. Secondly the defendant is a chief.
7. The starting point of sentence is 3 years imprisonment.

Personal factors

8. The defendant admitted his offending to the Police and entered a guilty plea at the first available opportunity. The sentence is reduced by 25 percent for the guilty plea.
9. The Same Day Report states that the defendant is 53 years old and is a first time offender. He is married with 4 children and 6 grandchildren. He is also responsible for his brother's children and his elderly mother. His wife is a seasonal worker in Australia helping to pay for the children's school fees. He is a gardener and he is also an experienced mechanic trained at the INTV in Vila and does carpentry as well. He is also the chairman of the Chief's Council of Nanuhu where he comes from and helps his people resolve their disputes. He is a faithful member of the SDA Church.
10. He has not performed any custom reconciliation with the victim as the victim's parents were opposed to the idea.
11. For his personal factors and the 5 months spent in custody prior to being granted bail a total of 12 months is deducted.

End sentence

12. The end sentence is therefore 15 months imprisonment. Considering the nature and circumstances of the offending the sentence will be suspended for a period of 2 years. Should the defendant reoffend during this period the suspended sentence will be reactivated to be served in custody.
13. In addition the defendant will perform 150 hours community work.
14. The defendant has 14 days to appeal if he is not happy with the decision.

DATED at Luganville this 18th day of June, 2021

BY THE COURT



D. Aru
Judge

