

BETWEEN: Public Prosecutor

**AND: Kasso Obed Junior, Magred Kasso, Martin Kasso,
Mariette Kasso, Obed Kasso**
Defendants

Coram: *Justice Aru*
Counsel: *Ms. B. Ngwele for the Public Prosecutor*
Mr. T. J Bottleng for the Defendants

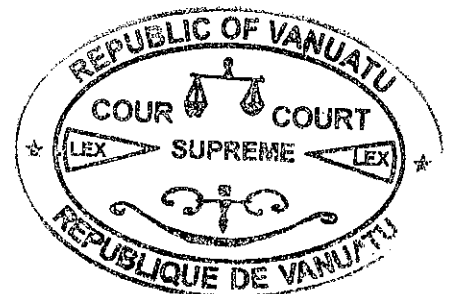
SENTENCE

Introduction

1. Following a trial of this case on 29 April 2021, Kasso Obed Junior was found guilty and convicted of two counts of attempted intentional assault, one count of intentional assault and one count of unlawful assembly. Magrette Kasso, Martine Kasso and Marielle Kasso were found guilty and convicted of one count of unlawful assembly. Obed Kasso was found guilty and convicted of a single charge of obstruction of a police officer. This is their sentence.

The facts

2. The facts as found at trial are that on 9 June 2020 at Erakor Half Road Kasso Obed Junior, Magrette Kasso, Marielle Kasso and Martine Kasso went to John Tari's house and accused and swore at him for allegedly harvesting crops in a garden planted by Marielle Kasso. John Tari, Tommy Kasso and Rose Kasso feared for their lives and that of their children when Kasso Obed Junior swung a knife to cut John Tari but he covered his face and turned away and the knife handle hit him on the head. The second time John Tari moved backwards and the knife missed him. At the same time Kasso Obed Junior raised the knife to cut Tommy Kasso but was stopped by Magrette Kasso. When the Police were called and attended the scene Obed Kasso refused to hand over Kasso Obed Junior and wanted the chiefs to deal with the matter. The Police retreated and called for backup fearing for their lives as a number of young men were present with Obed Kasso and some were carrying knives. He was later arrested.



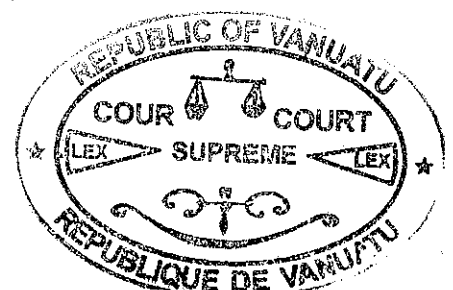
The starting point

3. When I consider what should be the starting point of sentence, I am required to take into account the maximum sentence available for the offending and the aggravating or mitigating factors if any.
4. The maximum sentence available for intentional assault with no physical damage is 1 year imprisonment. The same penalty applies to attempts to commit the same offence. Unlawful assembly is punishable by a maximum penalty of 3 years imprisonment. Obstructing a police officer is punishable by a term of imprisonment not exceeding 6 years imprisonment or a fine not exceeding VT 300,000.
5. The aggravating factors of intentional assault and attempted intentional assault are that a weapon was used and the victims feared for their lives. There was some degree of planning as well. There are no mitigating factors. In relation to unlawful assembly the aggravating factors are that the defendants were swearing and talking angrily causing others to fear for their lives. There was some degree of planning as well. There are no mitigating factors. The obstruction of the Police is aggravated by the fact that Obed Kasso had a number of young men with him some carrying weapons. There are no mitigating factors.
6. In relation to Kasso Obed Junior the lead offence is unlawful assembly therefore the starting point of his sentence is 1 year 10 months imprisonment to be concurrent. The starting point of sentence for Margrette Kasso, Martine Kasso, and Marielle Kasso is also 1 year 10 months imprisonment. For Obed Kasso the starting point of sentence 2 years imprisonment.

Personal factors

7. This is a matter which was tried. The defendants maintained their not guilty pleas until the verdict was pronounced. Considerations for deductions for a guilty plea does not arise.
8. From the Pre Sentence Reports filed for each of the defendants the following information is provided:

Kasso Obed Junior
9. He is 21 years old and he is a first time offender .He completed his primary education at the Ecole Public Primary School. He has undertaken training as a mechanic and currently attending similar training at Black sands. He is unemployed and helps his parents with gardening to earn income. His chief speaks highly of him as an active member of his community. He has spent roughly three weeks in custody. Although he is sorry for what happened he blames his inability to control his anger for the offending. No custom reconciliation has been performed as yet.
10. The sentence is further reduced by 10 months.



Margrette Kasso

11. She is 46 years old and is a first time offender. She was raised in a custom village and has never been to school. She does gardening and earns some income from selling her garden produce. She is an active member of her community and participates in community activities. She regrets the offending and blames her inability to control her anger. She did spend two weeks in custody prior to being bailed. No custom reconciliation has been done as yet.
12. Her sentence is reduced by a further 10 months.

Marielle Kasso

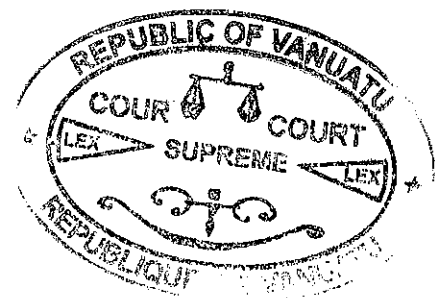
13. She is 49 years old and she is a first time offender. She is a single mother with 6 children. Four of her children could not continue in school due to financial difficulties. She is unemployed but earns her income from gardening and selling her garden produce. She participates in community activities and her chief speaks highly of her. She spent two weeks in custody prior to being bailed. She now regrets her actions but no custom reconciliation has been performed as yet. She blames her offending on her inability to control her anger.
14. Her sentence is reduced by a further 10 months.

Martine Kasso

15. She is 23 years old and she is a first time offender. She completed her education at grade 7 at Erakor Primary School and could not continue due to financial difficulties. She earns her living by gardening and selling food crops. She lives with her husband in a de facto relationship and he is the breadwinner and she supports him. Her chief speaks highly of her as an active youth member of her community. She is sorry for her actions and blames her inability to control her anger for her offending. No custom reconciliation has been performed as yet.
16. Her sentence is reduced by a further 10 months.

Obed Kasso

17. He is 74 years old and is a first time offender. He earns his income through gardening and maintains a healthy relationship with his family. His chief also speaks highly of him as an active member of his community. He was surprised to hear of the defendant's offending. Mr Kasso regrets his actions and blames his offending on his inability to control his anger. He realised that his response to the Police was wrong. No custom reconciliation has been performed as yet. He spent roughly two weeks in custody prior to being bailed.
18. His sentence is reduced by a further 12 months.



End sentence

19. The end sentence for Kasso Obed Junior on the lead offence of unlawful assembly is 12 months imprisonment. For the single charge of intentional assault and two counts of attempted intentional assault he is sentenced to 4 months imprisonment on each count all to be concurrent.
20. Margrette Kasso, Martine Kasso and Marielle Kasso each is sentenced to 12 months imprisonment.
21. Obed Kasso is sentenced 12 months imprisonment.
22. The sentences are suspended for a period of 2 years. Should the defendants reoffend during this time the sentences will be reactivated to be served in custody.
23. The defendants have 14 days to appeal if they are not happy with the decision.

DATED at Port Vila this 28th day of July, 2021

BY THE COURT

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D. Aru
Judge

