

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

Criminal
Case No. 21/2848 SC/CRML

BETWEEN: Public Prosecutor

AND: Sahe Molu
Defendant

Date: 15th September 2021
By: Justice G.A. Andrée Wiltens
Counsel: Mr D. Boe for the Public Prosecutor
Mr R. Willie for the Defendant

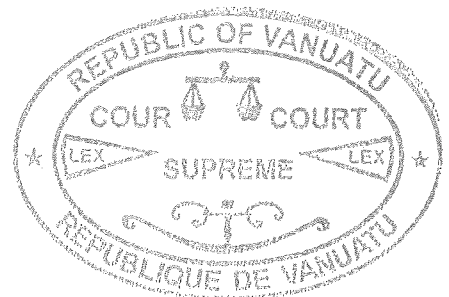
SENTENCE

A. Introduction

1. Mr Molu pleaded guilty to a charge of intentional homicide. [Not pre-meditated intentional homicide].

B. Facts

2. On 20 July 2021, Mr Molu was in a de facto relationship with Ms Jelinda Arukesa.
3. That afternoon and early evening Ms Arukesa had enjoyed several drinks with family and friends. At about 9pm that evening Mr Molu picked Ms Arukesa up from a friend's home in the Banban area of Luganville in a taxi. They dropped another friend off in the Banban Tower area. Ms Arukesa was next observed at Robert Ture's canteen at near to 10pm. She was sitting outside on the ground crying and complaining about being assaulted her partner. She was later picked up from there by her partner in a taxi before which was seen heading towards Million Dollar Point. That was the last sighting of her alive by anyone other than Mr Molu.
4. The next day and the day following, friends and family of Ms Arukesa went about looking for her. Finally at about 3pm on 22 July 2021, a young boy found Ms Arukesa's body near the beach at Sanika, Palekula area.



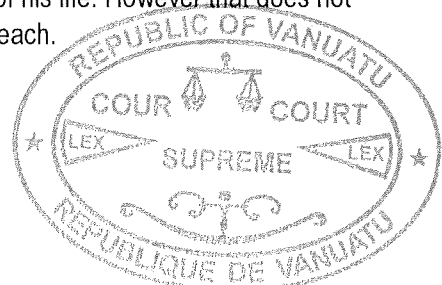
5. On examination, the body was found to have numerous head wounds, and an autopsy has revealed the cause of death to be severe traumatic head injury with compound skull fractures caused by multiple blunt force trauma.
6. When interviewed by the Police, Mr Molu admitted that he had caused Ms Arukesa's death by hitting her with a piece of wood to the back and sides of her head numerous times. He explained that her infidelities towards him had caused him to lose his temper. The pair had argued, and after hitting her, Mr Molu had left her body in some bushes by the beach. He said he had used an acacia tree branch, which police located near to the body with blood stains and dark hair still attached, which matched the hair of Ms Arukesa.

C. Sentence Start Point

7. The sentence start point is to be assessed by having regards to the maximum sentence available and factoring in the aggravating and mitigating aspects of the offending.
8. The maximum sentence for this offending is a term of 20 years imprisonment.
9. There are no mitigating features to the offending. The aggravating factors include:
 - The unprovoked nature of the attack;
 - breach of trust;
 - taking advantage of an intoxicated victim;
 - the use of a weapon to the most vulnerable part of the human anatomy; and
 - the abandoning of the deceased's body in a remote area, evidencing a lack of respect for the dead
10. The starting point for the sentence that I adopt is 15 years imprisonment.

D. Personal factors

11. Mr Molu pleaded guilty at the first available opportunity. That indicates an acceptance of wrongdoing and remorse. However, the evidence suggests he had little option but to plead guilty as there was no one else with any motivation to act in this way, and there were numerous links to the offending indicating that Mr Molu was responsible for it. His admission to the police was therefore understandable, as was the later prompt plea. I reduce the sentence start point by 25% for the guilty plea.
12. Mr Molu is 34 years old, a taxi driver. He was married to the deceased and they have 3 school-aged children aged 12, 9 and 7. They will now have to cope without their mother for the rest of their lives, and without Mr Molu while he is incarcerated.
13. Mr Molu has a previous conviction for possession of cannabis in 2014. I ignore this as an aggravating factor
14. Mr Molu is remorseful. He describes the deceased as the love of his life. However that does not sit well with leaving her body abandoned in the bushes on the beach.



15. There has been no custom reconciliation ceremony, but Mr Molu said he is prepared to participate when his family has collected sufficient gifts for the deceased's family. The deceased's mother has indicated the family are not interested in a ceremony.

16. For Mr Molu's personal factors, I further reduce the sentence start point by 8 months.

E. End Sentence


17. The end sentence is 11 years 6 months imprisonment. There can be no suspension of sentence for such a serious matter.

18. The sentence start point is back-dated to commence from 27 July 2021.

19. Mr Molu has 14 days to appeal.

Dated at Luganville, this 15th day of September 2021

BY THE COURT


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Justice G.A. Andree Wiltens

