

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

Criminal
Case No. 21/3117 SC/CRML

PUBLIC PROSECUTOR

v

LONSDALE DINGLESPO

Date: 15 October 2021
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr D. Boe
Defendant – Mr R. Willie

SENTENCE

A. Introduction

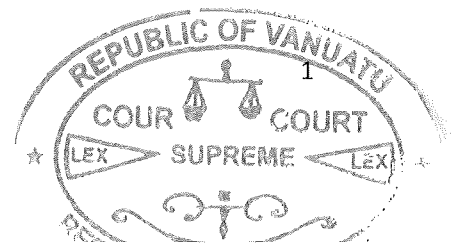
1. Mr Dinglespo pleaded guilty to one charge of premeditated intentional homicide and was convicted on his own plea and the admitted facts.

B. Facts

2. In July 2021, Mr Dinglespo's wife became seriously ill and was sent from Vureus Bay, Vanua Lava island to hospital in Lugaville. She died. Mr Dinglespo suspected that the deceased Ben Lester Menar killed his wife using witchcraft.
3. While his wife's body was still in the hospital mortuary, Mr Dinglespo spoke with one of the chiefs and told him that on arrival back at Vureus Bay, Vanua Lava, that he would murder the deceased. He also told the Torba member of the Malvatumauri Council of Chiefs that when he reached Vureus Bay, he would kill the deceased.
4. Mr Dinglespo bought a knife in Luganville. He travelled with it back to Vureus Bay and on 20 July 2021 evening, he used the knife to stab and kill the deceased. The preliminary port mortem findings showed that the deceased sustained multiple stab wounds to the head, both arms, chest and abdomen. The cause of death was from the stab wounds that punctured the lung and heart (right atrium).
5. Mr Dinglespo made full admissions to the Police.

C. Sentence Start Point and Mitigation

6. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.



7. The maximum sentence provided is life imprisonment.
8. There are no mitigating aspects to this offending.
9. The aggravating aspects include the following.
 - The unprovoked nature of attack. It is not mitigating that Mr Dinglespo believed that the deceased killed his wife using witchcraft;
 - The use of a weapon against the unarmed victim;
 - The multiple stab wounds inflicted on the victim; and
 - Mr Dinglespo targeted vulnerable parts of the body which can have life threatening consequences and did cause the victim's death.
10. The factors set out above require a sentence start point of 30 years imprisonment. This is to mark the gravity of the offence, the need for deterrence, protection of society and punishment.
11. Mr Dinglespo pleaded guilty at the first opportunity. This has saved the Court's time although I am uncertain as to whether it demonstrates remorse by Mr Dinglespo. I deduct 33% (10 years) from the sentence start point for the prompt guilty plea.
12. Mr Dinglespo's age is unknown. He did not attend school. He is widowed with 3 children, 3 step-children and 4 grandchildren. He has no previous convictions. His family have performed a custom reconciliation ceremony with the deceased's family. I deduct 1 year from the sentence start point for Mr Dinglespo's personal factors.

D. End Sentence

13. Taking all of those matters into account, the end sentence that must be imposed is one of 19 years imprisonment.
14. The sentence is back-dated to run from 23 July 2021 when Mr Dinglespo was taken into custody and then remanded.
15. An immediate custodial sentence must be imposed. The offending is too serious to do otherwise.
16. Mr Dinglespo has 14 days to appeal.

DATED at Luganville this 15th day of October 2021
BY THE COURT

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Justice Viran Molisa Trief

