IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

(Criminal Jurisdiction)

Criminal
Case No. 22/1558 SC/CRML

PUBLIC PROSECUTOR

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PAUL YASI

Date:

17 August 2022

Before:

Justice V.M. Trief

Counsel:

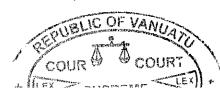
Public Prosecutor - Mr C. Shem

Defendant - Mr L. Moli

SENTENCE

A. Introduction

- 1. Mr Yasi pleaded guilty to 2 charges of domestic violence (Charges 1 and 2) and threat to kill (Charge 3). He was convicted on his own pleas and the admitted facts.
- B. Facts
- 2. Mr Yasi was the *de facto* partner of the complainant at the time of the offending.
- On 4 January 2022, at Teouma area on Efate, the complainant Pascaline Louis was in bed unwell. Mr Yasi entered the bedroom and insisted that she follow him outside to see something behind the bathroom. When she refused, Mr Yasi squeezed her neck and dragged her outside holding onto her neck (Charge 1).
- 4. When the complainant placed her hand on the wall and the water tank to stop Mr Yasi squeezing her neck, Mr Yasi banged his head against her head causing laceration to her head (Charge 2). Family members intervened and he stopped but he swore at her and demanded that she get her things and follow him to his house.
- 5. The complainant went to collect her things but her sister told her not to follow Mr Yasi. The complainant went inside and locked the door. When she did not come out, Mr Yasi went after her and found the door locked. He asked her to open the door. She did not. Mr Yasi told her angrily that if she didn't do as he said, he would break the glass window and enter and kill her. In fear, she opened the door and left with Mr Yasi (Charge 3).
- 6. Mr Yasi was arrested on 5 January 2022. He admitted that he assaulted the complainant.



C. Sentence Start Point

- 7. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.
- 8. The maximum sentences provided are:
 - a. Threat to kill 15 years imprisonment; and
 - b. Domestic violence 5 years imprisonment or VT100,000 fine or both.
- 9. There are no mitigating aspects of the offending but it is aggravated by the following:
 - Breach of trust;
 - The offending occurred in the home where the complainant was entitled to be safe and protected;
 - The repeat nature of violence;
 - The controlling attitude demonstrated;
 - There was some planning involved; and
 - The effect upon the complainant including the injuries inflicted to her head which is the most vulnerable part of the body.
- 10. The factors set out above require a sentence start point of 3 years imprisonment for the threat to kill and 12 months imprisonment for the domestic violence charges.

D. <u>Mitigation</u>

- 11. Mr Yasi pleaded guilty at the first opportunity. He has spared the complainant the need to give evidence against him although the Prosecution case against him was strong. For this factor, I deduct 25% from the sentence start point.
- 12. Mr Yasi is 23 years old. He and the complainant have a son. He had been employed for one year with Chiko Farm.
- 13. Mr Yasi has no previous convictions. He is stated to have a good relationship with his community. He is willing to perform a custom reconciliation ceremony with the complainant and her family.
- 14. For Mr Yasi's personal factors, I deduct a further 3 months from the sentence start point.

E. End Sentence

- 15. Taking all of those matters into account, the end sentences imposed concurrently are:
 - a. Threat to kill (Charge 3)

2 years imprisonment; and

- b. Domestic violence (Charges 1 and 2)
- 6 months imprisonment.
- 16. The sentences are back-dated to commence from 6 January 2022 when Mr Yasi was detained on remand.
- 17. The seriousness of the offending must be marked by a custodial sentence as is the need for deterrence and to hold Mr Yasi accountable for this offending. There are no exceptional circumstances warranting suspension.

18. Mr Yasi has 14 days to appeal.

DATED at Port Vila this 17th day of August 2022

BY THE COURT