

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

**Criminal
Case No. 21/2875 SC/CRML**

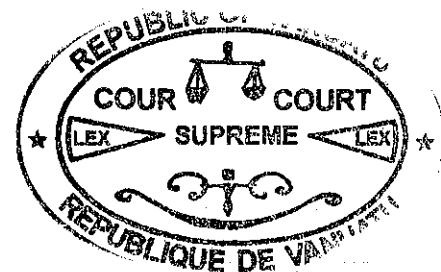
BETWEEN: Public Prosecutor

**AND: Johnny Philip
Accused**

Date of Sentence: 27th September 2022
Before: Justice EP Goldsbrough
Appearances: Massing, K for the Public Prosecutor
Moli, L for the Accused
Defendant present

SENTENCE

1. Johnny Philip was charged in August 2022 with three counts of domestic violence. He pleaded guilty to those charges as soon as they were brought. The charges relate to conduct of the defendant in June 2021 towards his mother and August 2021 towards his girlfriend or partner and then against another man who gave assistance to that girlfriend/partner.
2. Towards his mother, he threatened her during an argument. She became afraid of him after he said she must remove all her property from the kitchen or he would burn it down. Nothing like that happened and he and his mother have since reconciled.



3. As regards his girlfriend/partner, he was disappointed that she had not cooked food that he had expected when he returned home after working. He then verbally abused her.
4. As to his third victim, he suspected that the man had assisted his girlfriend/partner when she sought help after his abuse of her. He threatened the man and the man became fearful.
5. The maximum penalty for an offence of domestic violence is 5 years imprisonment. Apart from repetition, there is little here that aggravates the offences. They do not represent the most serious type of these offences.
6. A starting point for these offences is three months imprisonment.
7. In mitigation the accused pleaded guilty at the first opportunity. He has already spent more than one month in jail for these offences. Fortunately, he was then released on bail but has been prevented from returning home until this case comes to an end.
8. Given the thirty-six days that he has already spent in custody for these offences, no further sentence of imprisonment is imposed on him. For each of the three offences of domestic violence he is made the subject of a supervision order for two years with a condition that he undertake an anger management rehabilitation module. He is otherwise free to return to his home. It is to be hoped that he can undertake the relevant anger management course from where he intends to reside.
9. There is a right of appeal against this sentence which right must be exercised, if it is to be exercised at all, within the next 14 days.

Dated at Port Vila this 27th September 2022

BY THE COURT

EP Goldsbrough
Justice EP Goldsbrough

