

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

**Criminal
Case No. 22/1875 SC/CRML**

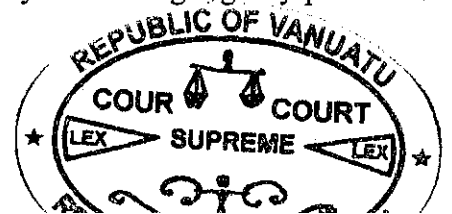
BETWEEN: Public Prosecutor

**AND: Jean Lui Kalomoana Kalotrip
Accused**

Date of Sentence: 10 October 2022
Before: Justice EP Goldsbrough
Appearances: Shem, C for Public Prosecutor
Karu, K for the Accused

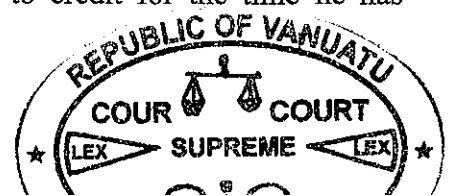
SENTENCE

1. Jean Lui Kalomoana Kalotrip pleaded guilty to two offences of making threats to kill. The two offences involved his sister and his mother. On 30 May 2022, he asked his mother to give him VT 17,000. In response to his request, his mother asked him to wait until the next day. At this, the defendant scolded his mother, saying that he wanted the money immediately. He said to her “yu wantem, mi cut cutem yufala lo haos ia, bonem yu, mo bonem bus. Frightened by his threats, the mother, who is wheelchair-bound, capitulated and gave her son the money he had asked for.
2. The next day, 31 May 2022, his sister and another were cleaning a room he had used. After asking for money, he asked them what they were doing in the room. On hearing the answer, he responded “fuck yu, yu wantem mi kilim ded yu?”
3. Jean Lui Kalomoana Kalotrip admitted that the brief of facts was correct after pleading guilty first to one of the offences and then later to the second. He admitted both offences during an interview with the police. His delay in entering a guilty plea



to the second offence was his doubt that the words he used contained a threat to kill rather than as he thought threats to harm. But he accepts that in his anger his words were indeed a threat to kill his mother.

4. These offences of making threats to kill each carry a maximum sentence of fifteen years imprisonment. The maximum penalty is used as a guide when assessing the starting point for the sentence in this case, together with factors, if any, which make this particular offending worse. The factors suggested by the prosecution as aggravating factors are repetition, breach of trust, and fear caused to victims and others who witnessed the behaviour taking place in the family home. There are two offences and no further repetition, there is no breach of trust involved, making a threat to kill is most likely to cause fear in a victim and so none of these factors, in particular, make this offending worse, but the offences were committed where the victims should have felt safe, in particular the mother who as a disabled person had little means of escape.
5. A sentencing starting point, in this case, is set at eighteen months imprisonment. This reflects the facts of the offence and the limited number of aggravating features.
6. As to factors personal to the offender, as regards this offending, he admitted his offending to the police and, whilst not at the first opportunity, he has pleaded guilty to these two offences. That has spared his victims the ordeal of a trial and he is entitled to credit for that. His offending took place as he was preparing for overseas travel as a seasonal worker. The money he asked for from his mother was to pay the costs of his dental examination, having already passed his medical exam. He was unable to take up the offer of seasonal work given his arrest and now with convictions recorded against him, his prospects of taking it up now will have been substantially reduced. That, itself, may be regarded as part of the punishment for these two offences.
7. His mother indicated to the author of the pre-sentence report that her son abuses marijuana and that his offending all stems from this excessive consumption. She believes that a period in custody may assist in allowing him to see how his consumption affects his behaviour. There is no medical information available.
8. For his guilty pleas, the offender is given credit from his starting point of eighteen months down to twelve months. He is also entitled to credit for the time he has



already spent in custody for these two offences. He was taken into custody for these two offences on 6 June 2022. That credit will be given in the form of a backdated start for his sentence.

9. There are two offences here, but they took place within twenty-four hours of each other and were both in family homes and both directed at family members and all of the same type. The sentence for each will be concurrent. For each of the two offences of making a threat to kill, Jean Lui Kalomoana Kalotrip is sentenced to twelve months imprisonment each sentence to run concurrently and deemed to have commenced on 6 June 2022.

10. Right of appeal explained.

Dated at Port Vila this 10th October 2022

BY THE COURT

EP Goldsbrough

Justice EP Goldsbrough

