

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

Criminal
Case No. 22/1944 SC/CRML

BETWEEN: Public Prosecutor

AND: Jojo Iav Kalotiti
Defendant

Coram: Justice Aru
Counsel: Mr. G. Simeon for the Prosecutor
Mr. A. Bal for the Defendant

SENTENCE

Introduction

1. Mr Jojo Iav Kalotiti pleaded guilty to one count of unintentional harm causing temporary damage (count 2) and one count of careless driving (count 3). His not guilty plea in relation to count 1, obstructing Police Officers was nollied by the prosecution. This is his sentence.

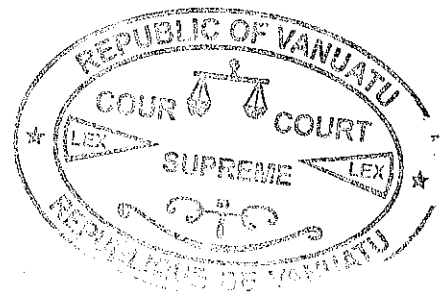
The facts

Count 2

2. On the night of 12 December 2021, the defendant whilst driving a bus hit a vehicle belonging to Zacharie Pakoa who was returning from Nasama Resort with his wife in the passenger seat at the front of the bus. They were driving in their lane when the defendant crossed over to their lane and hit them. The collision caused Bianca Corina to hit her head on the front windscreen.

Count 3

3. On the night of 12 December 2021, the defendant who was driving a bus with registration No B 9087 hit a Toyota registration 10140 on his right of way. After hitting the vehicle, the defendant did not stop but continued to drive away. The defendant also hit another vehicle a Grey Kia Bus registration 210140VCG.



Sentence start point

4. The maximum sentence available for unintentional harm causing temporary damage is 3 months imprisonment. For careless driving the maximum penalty is a fine not exceeding VT 50,000 or imprisonment for a term not exceeding 6 months or to both.
5. The offending is aggravated by the fact that the defendant was drunk whilst driving and the offending occurred at night. There are no mitigating factors of the offending. Considering careless driving as the lead offence, a global starting point of sentence is set at 5 months imprisonment.

Mitigation

6. The defendant entered his guilty pleas at the earliest available opportunity as a sign of remorse. The end sentence will be reduced by 20 %.
7. No pre-sentence report was filed as directed. Counsel submits that the defendant is 26 years old and is a first-time offender. The end sentence is further reduced by 2 months.

End sentence

8. The end sentence is therefore rounded off to 2 months imprisonment. For unintentional harm causing temporary damage the end sentence is 1 month imprisonment to be served concurrently. The sentence will be suspended for a period of 12 months and the defendant will perform 50 hours of community work.
9. The defendant has 14 days to appeal if he is dissatisfied with the decision.

DATED at Port Vila this 22nd day of November, 2022

BY THE COURT

