

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

**Criminal
Case No. 23/705 SC/CRML**

BETWEEN: Public Prosecutor

**AND: Graciano Terong
Defendant**

Date of PLEA: 6th June 2023
Date of Sentence: 4th July 2023
Before: Justice Oliver Saksak
In Attendance: Mrs Betina N Tamau for the Public Prosecutor
Mrs Kylie B Karu for the Defendant

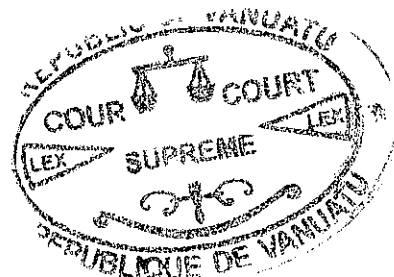
SENTENCE

Introduction

1. Graciano Terong pleaded guilty to one charge of intentional assault causing temporary injuries and to one count of using threatening language. He is for sentence today.
2. The offence of intentional assault under section 107 (b) of the Penal Code Act carries the maximum penalty of 5 years imprisonment. And threatening language attracts a penalty of not exceeding 3 years imprisonment pursuant to section 114A.

Facts

3. These offendings happened in the night of 8th July 2022. The complainant had gone into the house of the defendant's former partner at the Simbolo Area. He had received a telephone call inviting him to go and see her at her house. He did not realize it was a trap. Whilst at the house, the defendant arrived, locked the door behind him and started punching the complainant up to five times on his face. The defendant pulled the complainant by his shirt and said:



“Today, I will kill you” then punched the complainant on his nose, ribs and stomach. He was taken to hospital for medical attention and treatment. The defendant was interviewed by the Police and made admissions.

Aggravating Features

4. The offences were aggravated by the following features-
 - There was a degree of planning involved.
 - There were was trickery and deception involved.
 - There were serious injuries sustained by the complainant despite they were only temporary injuries.
 - The pain, shame and fear caused to the victim of the assault.
 - The assault and threatening language were uncalled for as the defendant had ended his relationship with the woman who had lured the victim to her house at 11:45pm.

Starting Sentence

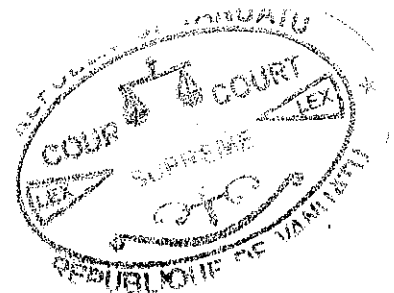
5. Taking the seriousness of the offences committed together with the aggravating and mitigating circumstances, I adopt a starting sentence of 3 years imprisonment on Count 1 and 2 years imprisonment for Count 2 to run concurrently. The total concurrent sentence shall be 3 years imprisonment.

Mitigation

6. In mitigation, I reduce the sentence by 1/3 for guilty plea leaving the balance at 2 years imprisonment.
7. For clean past record and other personal factors, I reduce his sentence by a further 6 months leaving the end sentence at 1 year and 6 months imprisonment.

End Sentence

8. Mr Terong, you are convicted and sentenced to an end sentence of 1 year and 6 months as a concurrent sentence.



Suspension of Sentence

9. This sentence is however suspended for a period of 2 years on good behavior. That means that you must not commit any further criminal offences within 2 years from this date. If you do, you will go to prison to serve your end sentence of 1 year 6 months.

Right of Appeal

10. That is the sentence of the Court. You may wish to appeal this sentence in which case you have 14 days to do so (if you so choose).

DATED at Port Vila this 4th day of July, 2023

BY THE COURT

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Oliver Saksak
Judge

