

PUBLIC PROSECUTOR

v

KISITO LAWI

Defendant

Coram: Justice Oliver A. Saksak

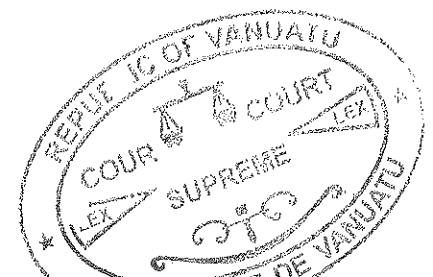
Counsel: Ms Laura Lunabek for Public Prosecutor
Ms Akineti Yeeon for the Defendant

Dates of Plea: 15th July 2024

Date of Sentence: 19th July 2024

SENTENCE

1. Kisito Lawi pleaded guilty to one count of domestic violence and to one count of unlawful possession of cannabis. And he is for sentence today.
2. The Court will sentence the defendant on his own guilty pleas.
3. There are no mitigating circumstances.
4. On 7th May 2024 the defendant slapped and kicked the head of his defacto partner on the head multiple times. And the following day on 8th May 2024 a total net weight of 60.056 grams of cannabis were found at the defendant's house at Sarakata area.
5. From his pre-sentence report it appears the defendant is a habitual user of cannabis. I have also considered the sentencing submissions filed by the prosecutions and defence counsel. Again this case must be distinguished from the case of Wetul v PP [2013] VUCA 26 and PP v Rapitick [2023]

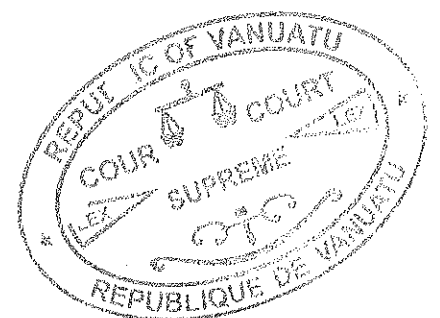


VUSC 226 and PP v Wilson [2024] VUSC 59 because the offence of unlawful possession of cannabis is aggravated by the acts of domestic violence or vice versa.

6. Taking all those factors into account, I consider that the appropriate punishment for the defendant is to be a custodial sentence. I therefore convict and sentence the defendant as follows-
 - a) For domestic violence – Count 1, a sentence of 2 years imprisonment.
 - b) For unlawful possession of cannabis, Count 2, a sentence of 12 months imprisonment to be served consecutively with the 2 years for the domestic violence in Count 1.

The total sentence shall be 3 years imprisonment.

7. In mitigation I deduct the sentence by 1/3 for guilty pleas representing 1 year. The balance of the sentence is 2 years imprisonment.
8. Next I consider the defendant's clean past record, the positive changes he has made since the complainants made against him and his other personal factors, I reduce his sentence by a further 6 months. That leaves his end sentence to be 1 year and 6 months.
9. Considering the circumstances, nature of the offendings and the character of the defendant, I am of the view that his end sentences should be suspended for a period of 2 years from the date hereof on good behaviour under section 57 of the penal Code Act. This means that he must be offence free for the period of 2 years. If he should commit other offences for which he would be charged and convicted, he will go to prison for 1 year 6 months. I adopt the principle in PP v Maltok [2023] VUSC 73.
10. Finally I sentence the defendant to 50 hours of community work to be completed within 12 months from the date of sentence. He must report to Probation Service within 72 hours to obtain further direction in relation to your community work order.



11. That is the sentence of the Court. You have a right of appeal within 14 days if you so choose.

DATED at Luganville this 19th day of July 2024

BY THE COURT


Hon. OLIVER A SAKSAK

Judge

