

PUBLIC PROSECUTOR

v

SANDTHY LOUISE

Date: 26 November 2024
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr J. Aru
Defendant – Mrs C. Dehinavanua

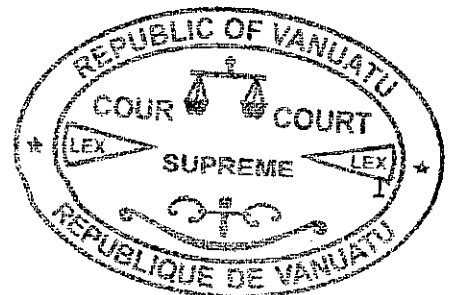
SENTENCE

A. Introduction

1. Mr Sandthy Louise, you appear for sentence having pleaded guilty to three charges of domestic violence (Charges 1, 2 and 4 in the Amended Information). You are convicted on your own pleas and the admitted facts.

B. Facts

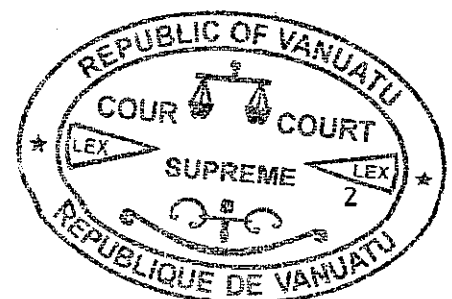
2. The complainant Jenny Pakoa is your *de facto* partner. You have been together for 10 years. You have three children together. You live together at Destination with your children and Ms Pakoa's parents.
3. On 12 March 2018, after the birth of your second child, you accused Ms Pakoa of having sex with multiple individuals. You questioned the parentage of the child. You went drinking and came home drunk and continued to orally abuse her. Then you threatened to assault her if she ever reported you to the Police for abusing her with these offensive allegations (Charge 1).



4. On 10 January 2023, around 2.30pm, you and Ms Pakoa went to Tongoa island for holidays. Ms Pakoa was 3 months pregnant and was feeding her second child inside the kitchen. You ran towards Ms Pakoa holding a canoe paddle and slung it at her but missed. One of your sisters came to try and stop you from assaulting Ms Pakoa (Charge 2).
5. On 25 December 2023 around 11.30am, Ms Pakoa wanted to go to Blue Lagoon beach so she took her youngest child and went. The other children remained at home. Ms Pakoa was a little intoxicated from alcohol. Hours later, after swimming, when they returned home, you were angry with her and started swearing at her.
6. On 26 December 2023 around 7am at Destination area, you took all Ms Pakoa's clothes inside the house and threw them outside the house. Ms Pakoa's mother saw what happened and called Ms Pakoa to tell her. Ms Pakoa felt unhappy that you threw her belongings outside your house. When the Police attended, they saw the clothes outside the house (Charge 4).

C. Sentence Start Point

7. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.
8. The maximum sentence provided is 5 years imprisonment or VT100,000 fine or both: para. 4(1)(a) and subs. 10(1) of the *Family Protection Act* No. 28 of 2008.
9. There are no mitigating aspects to the offending however, it is aggravated by the following:
 - a. Serious breach of trust;
 - b. The offending occurred at home where the complainant should have been able to feel and be safe and secure (Charges 1 and 4);
 - c. The use of a canoe paddle as a weapon (Charge 2);
 - d. The offending occurred in the presence of their children;
 - e. The repeated nature of the offending; and
 - f. The physical and mental effects on the complainant.
10. Taking all matters into account, the global sentence start point adopted is 2 years 6 months imprisonment.

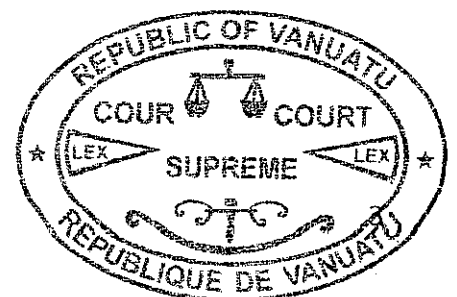


D. Personal Factors

11. You pleaded guilty but not at the first reasonable opportunity as you failed to appear in Court on 23 July 2024 and a warrant was issued for your arrest. You were arrested and remanded in custody, then you entered your guilty pleas. Twenty percent (20%) is deducted from the sentence start point for your guilty pleas.
12. You are 39 years old. You have no prior convictions. You have been employed as a ship captain and also undertaken market gardening. You provide for your family through your income, your partner is not employed.
13. You have paid custom compensation to your partner of one live pig, five local mats, VT5,000 cash and raw island food (1 bag manioc, 1 bag kumala and other island food). Ms Pakoa accepted the custom compensation.
14. A further 10% is deducted from the sentence start point for your personal factors.
15. You have been in custody since 13 August 2024 therefore now 3 months 13 days in custody, an effective sentence of imprisonment of 6 months 26 days imprisonment. Accordingly, a further 6 months 26 days is deducted from the sentence start point.

E. End Sentences

16. The applicable sentencing principles are to hold you accountable and to denounce and express public disapproval of your conduct. The sentence is also to deter you and others from such offending, to ensure you take responsibility for your actions and to protect the community.
17. Taking all of those matters into account, the end sentences imposed concurrently are 1 year 2 months 4 days imprisonment (Charges 1, 2 and 4).
18. Taking into account the circumstances, the nature of the offending and your character, the end sentences are suspended for 2 years. You are warned that if you are convicted of any offence during that 2-year period, that you will be taken into custody and serve these sentences of imprisonment, in addition to any other penalty that may be imposed for the further offending.
19. Given the suspension of sentences, you are to be immediately released from custody.
20. In addition, you are to complete 12 months of supervision including attendance at the rehabilitation programs that Correctional Services requires you to undertake, and 100 hours of community work.



21. You have 14 days to appeal the sentence.

**DATED at Port Vila this 26th day of November 2024
BY THE COURT**

VM Trief

Justice Viran Molisa Trief

