

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

**Criminal  
Case No. 24/633 SC/CRML**

**BETWEEN: Public Prosecutor**

**AND: Andrien Carlot  
Accused**

**Coram: Justice Dudley Aru**

**Counsel: Ms. G. Kanegai for the Public Prosecutor  
Ms. C. Dehinvanua for the Defendant**

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**SENTENCE**

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**Introduction**

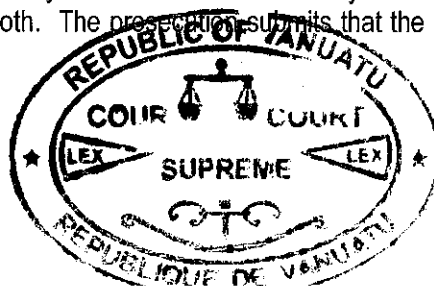
1. Andrien Carlot you were charged with one count of threats to kill (Count1) and one count of domestic violence (Count2). Before the trial began on 3 April 2025 you were rearraigned and you pleaded guilty to the charge of domestic violence and maintained a not guilty plea on the charge of threats to kill which was later nollied by the prosecution. You now appear for sentencing on the single charge of domestic violence.

**Facts**

2. The brief facts of your offending are that the complainant is your wife and mother of your four children. The incident occurred around 10.00 pm on the night of 2 January 2024 in your house at Erakor village. You were both lying down on your bed telling stories about your travels overseas to do seasonal work. The complainant like you had also been overseas to do seasonal work. After a while you began accusing the complainant of being unfaithful to you in 2023 when she was overseas.
3. You got angry and punched the complainant on her face particularly on her right eye. She felt her face go numb and could not see anything. Tears started streaming down her face and she started spitting blood from her mouth. She then cried out loudly calling her mother's name.
4. The incident was later reported to the Police.

**Sentence start point**

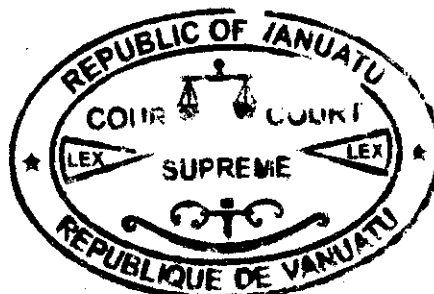
5. The offence of domestic violence is punishable by a maximum sentence of 5 years imprisonment or a fine not exceeding VT 100,000 or to both. The prosecution submits that the offending is aggravated by the following factors:-



- The offending occurred in the home where the complainant is supposed to feel safe and protected;
  - There is a serious breach of trust as the complainant is your wife and mother of your four children.
  - The offending caused a swelling in the complainant's face and she felt pain as a result.
6. Counsel on your behalf concedes to the above aggravating features as submitted by the prosecution.
  7. There are no mitigating factors of the offending.
  8. When considering what the correct starting point of your sentence should be, the prosecution referred to **PP v Kaloris [2022] VUSC 183**. The defendant Malres Kaloris in that case was then sentenced to an end sentence of 14 months imprisonment which was suspended for 2 years. The starting point adopted in that case was 18 months imprisonment. The complainant was 7 months pregnant when she was assaulted on her face and kicked in her ribs causing her a lot of pain and discomfort.
  9. The prosecution also submitted that in the current case your actions amounted to a serious breach of trust and a starting point of 2 years imprisonment is warranted.
  10. By comparison, Counsel on your behalf referred to **PP v Kota [2024] VUSC 132** where Fredo Kota the defendant in that case pleaded guilty to one count of domestic violence. The complainant in that case was also the defendant's wife. They had a few drinks together and later the defendant assaulted her on her the eyes and face. A starting point of two years imprisonment was adopted and after allowing deductions for personal factors and the guilty plea, the end sentence arrived at was 12 months imprisonment suspended for a period of 2 years.
  11. Counsel submitted that Kota's case was more serious than the current case therefore a starting point of 12 to 18 months imprisonment would be appropriate.
  12. Considering the above submissions, I adopt a starting point of 2 years imprisonment.

### Guilty Plea and Personal Factors

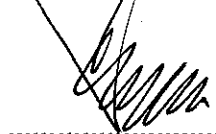
13. For your guilty plea, you are not entitled to the full one third discount (33%). You maintained a not guilty plea right up to the date of trial and only pleaded guilty before the trial was supposed to start. Your late guilty plea is only discounted by 20% (5 months).
14. No Pre-Sentence Report was filed by your Probation officer as directed. Counsel on your behalf submitted that you are a first-time offender with an unblemished record and that you are remorseful for your actions and willing to perform a custom reconciliation with your wife and children. It was also submitted that you had spent 20 days in pre custody before being released on bail.

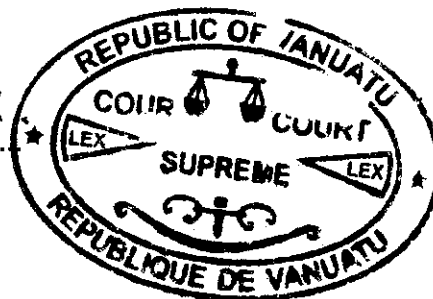


15. For your personal factors I deduct 5 months. A further one month is deducted for remorse and your willingness to perform reconciliation with your family. Noting your time in pre custody the sentence start point is further reduced by a further one month.
16. I sentence you to an end sentence of 12 months imprisonment. Considering s57 of the Penal Code, I will suspend your sentence for a period of 12 months. Should you re-offend during this period of 12 months, you will be arrested and remanded in custody to serve your full sentence.
17. In addition, I also order that you perform 100 hours of community work.
18. You have 14 days to appeal if you are not satisfied with the decision.

DATED at Port Vila this 13<sup>th</sup> day of June, 2025

BY THE COURT

  
Dudley Aru  
Judge



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

Criminal  
Case No. 24/633 SC/CRML

PUBLIC PROSECUTOR  
V  
ANDIREN CARLOT

**Date of Sentence:** 13th day of June, 2025 at 1:30 PM

**Coram:** Judge Dudley Aru

**Counsel:** Public Prosecutor – Ms. G. Kanegai  
Defendant – Ms. C. Dehinvanua

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**ORDER FOR SENTENCE OF COMMUNITY WORK  
(Section 58N Penal Code Amendment Act 2006)**

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**OFFENCES:**

1. Domestic violence offence

At a sitting of the Supreme Court at Port Vila, this 13<sup>th</sup> day of June 2025 you were sentenced to 100 hours Community Work.

The Penal Code Amendment Act 2006 requires you to:

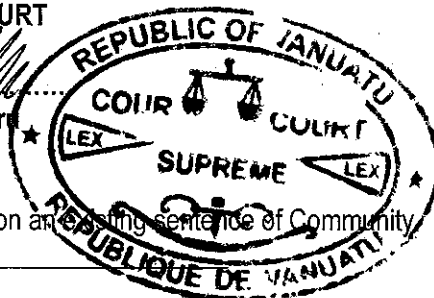
1. You must report to a Probation Officer as soon as practicable as and not later than 72 hours, after sentence is passed.
2. You must report to a Probation Officer as directed at any other time during the sentence for the purpose of monitoring the sentence.
3. You must notify a Probation Officer, within 72 hours, if you move to a new residential location.
4. You must work as directed by the Probation Officer until the total number of community work hours is finished.

Other rules of the Community Work sentence will be explained to you when you meet your Probation Officer

DATED at Port Vila this 13<sup>th</sup> day of June, 2025.

BY THE COURT

Dudley Aru  
Judge



NOTE FOR COURT: If the sentence is cumulative on an existing sentence of Community Work please state case number: \_\_\_\_\_