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

Cr. Case No. 2235 of 2017

PUBLIC PROSECUTOR

V

TIMOTHY TOM

Coram: Moses Peter

Appearances: Marie Taiki for the State
Defendants appear in Person

SENTENCING

UPON HEARING Defendant Timothy Tom plead guilty on the charges of Reckless Driving and Driving Under the Influence of Alcohol contrary to section 13 and 16 of the Road Traffic Control Act [CAP 29];

AND UPON HEARING Ms. Taiki on behalf of the State on brief facts of the case as follows:

- On 11th of June 2016 Traffic Officer in the Vanuatu Police Force Head Quarter namely James Bila attended a report of a traffic accident at the T-Junction road diverting roads towards Meleamat and Devils Point. To be more precise just passed Mele Cemetery.
- Upon reaching the accident scene, he observed a Black Government Vehicle Registration Number G 1186 crashed on the wall alongside the road.
- The front of the vehicle sustained damages because of the impact and as a result a passenger also sustained injuries on his forehead.
- Eye witnesses confirmed seeing 3 bottles of beer inside the car but were thrown into the bush by the defendant before the police officers arrive.
- The rear number plate of the vehicle was also removed by the defendant.
- The defendant was observed by the police officer to have consumed alcohol and was under the influence of alcohol because of his behavior and appearance. The interior of the car also smell alcohol.
- The defendant was taken to the Police Station and upon cautioning by the Police, he admitted the allegation.



AND UPON FURTHER HEARING the defendant Timothy Tom on his personal particulars and circumstances of offending, it is deposed that:

- The defendant was on 11th June 2016 driving government vehicle belonging to the Ministry of Foreign Affairs as a vehicle type HQ300 registration number G 1186.
- At that time, he worked as an officer in the Vanuatu Mobile Force attached in the Ministry of Foreign Affairs as Close Protection Personal (CPP) for government dignitaries.
- He confirmed drinking alcohol with his friend and crashed onto the wall next to Mele Cemetary.
- He confirmed the brief by the Prosecution as correct.
- He said he was remorseful for the action and said he is a brave person but the situation he had encountered because of his offending has brought him tears, embarrassments, shame and anxiety.
- He was suspended on half salary for 2 months. He was away on his Island during his suspension period when he was informed about resuming his duties.
- He has not considered the repairs of the damaged vehicle because he has been charged and was waiting to appear in court.

THE COURT IS SATISFIED THAT:

- The offence is serious as reflected in the relevant legislation. A maximum penalty of 1-year imprisonment or VT 100,000 fine or both.
- The consequences of this offence can be catastrophic because you put other road user's life in danger including your own life and your passengers.
- You are lucky that the consequence of your action does not cause a life except the injury sustained by your passenger friend.
- Police Officers tried to curb reckless driving and driving when under the influence of alcohol by raising awarenesses to the public and doing regular street patrols. You breached duty as a police officer to the public and to be frank, you defeat your all purpose of serving in the Ministry of Foreign Affairs as a Close Protection Personal. You have caused then damage instead of Protection. I am not assisted if the passenger that got injured is an employee of the Ministry of Foreign Affairs.
- I believe you have had your lessons learned by the way I observed you when expressing your remorse for the offending. You said the ordeal you went through had to come out of your mind every time you drive past the scene of the accident.
- I am also sure, the sentence I impose you will be not only serve as a punishment but also an act of deterrence to you and other people of similar position as you.
- Every time you drive a vehicle you will be reminded of this offending and the sentence imposed on you so that you can act as a prudent driver and a responsible police officer with duty to protect lives and properties for the people of this country.

IT IS THEREFORE ORDERED THAT:

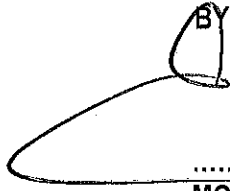
1. Conviction is hereby entered for your offending in respect to the charges.
2. You are ordered to a fine of VT 10,000 for count 1 and 15,000 for count 2.



3. You must pay your fine and produce receipt of payment in court no later than 30 days from today failing which you will be summoned to court for alternative sentence of Community Work Order.
4. You have 14 days to appeal if not satisfied with this sentence.

DATED at Port Vila this 27th day of September 2017

BY THE COURT



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MOSES PETER
Senior Magistrate

