

PUBLIC PROSECUTOR

V

EDDIE KALOKUL

STANLEY KALOKUL

Before: Senior Magistrate Moses Peter

In Attendance: Mr. Tristan Karae for the Public Prosecutor

Mr. Andrew Bal for the defendant

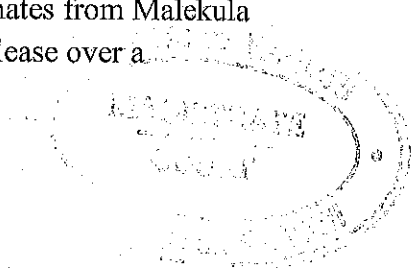
SENTENCE

A. Introduction

1. After trial, the court found the defendant Eddie Kalokul guilty on the charges of criminal trespass and abusive and threatening language.
2. For offence of malicious damage to Property, he was acquitted.
3. Defendant Stanley Kalokul pleaded guilty on the charge of Unlawful Possession of a firearm.
4. I will rely on the prosecution's submission, as your legal counsel have not provided a submission on your behalf. It appears a sentencing submission was filed just yesterday by your counsel when he became aware you have been summoned to appear for sentencing today.

B. Facts

5. The complainant namely Mr. Johnny Aranhambat originates from Malekula Island and resides in Port Vila. He secures a residential lease over a



customary land in Eton Village that belonged to certain members of the defendants' community.

6. He filed a complaint in the police reporting an incident at his residential lease in Eton Village and on the main road of Rentabao Area on 14 February 2018.
7. He had instructed his boys to install boundary mark around his property, fix the gate and to cut down mangrove plants along the coastline adjacent to his property.
8. While the boys were doing the work in the property, you forcefully entered the property uttered insulting words at them and told them to fuck off from the place.
9. Whilst in the property, Mr. Eddie Kalokul you attempt to strike one of the workers namely James Abel with a piece of timber.
10. It appears several other boys were with you at the time and Stanley Kalokul had a riffle No.12 in his possession at the time of the incident and apparently he has no legal authority to have such riffle in his possession.
11. Subsequent to the time of the incident, you Eddie Kalokul were driving truckload of youth from Eton Village to Port Vila to take part in a football event. At Rentabao area, you flag down the complainant as he was driving in the opposite direction towards Eton Village. He stopped his vehicle and you approached him and started to accuse him of instructing his boys to cut down mangrove trees in the coastline along his residential lease.
12. You then uttered word to the effect "*yu fuck off kobak long Malekula*".
13. The Police arrested you and upon cautioning you, you made full admission of your offending and said you are very angry at the time. However, you pleaded not guilty on the charges and the court had to convene a trial hearing,

C. Sentence Starting Point

14. The maximum penalty for the offence of criminal trespass is one-year imprisonment, abusive and threatening language 3 years imprisonment and for requirement for a firearm license is VT 20,000 fine or 6 months imprisonment or both.
15. There are no mitigating factors as none transpired in the court record. The following are the aggravating factors:
 - o The defendant forcefully entered a leasehold land and verbally abused the complainant's employees.
 - o The defendant Stanley Kalokul trespassed into the residential lease of the complainant with a riffle no.12 in your possession.
 - o Stanley Kalokul has no legal permission to retain possession of the no.12 riffle.
 - o Mr. Eddie Kalokul whilst in the residential lease attempted to attack the complainant's employee with a timber.



- o Mr. Eddie Kalokul acted aggressively at the complainant in front of the public observers.

16. For the offence committed by defendant Eddie Kalokul, I set a starting point of 10 months.
17. The sentence calculated to be imposed on the defendant Stanley Kalokul is unlikely a custodial sentence therefore; I will approach his sentence separately.

D. Deduction for Guilty Plea

18. The disclosure of the prosecution showed your admission of the offence to the police officer however, at some point of the prosecution of the matter to the court, you denied the offence as depicted in your not guilty plea. No deduction is given on that basis.

E. Personal Factors

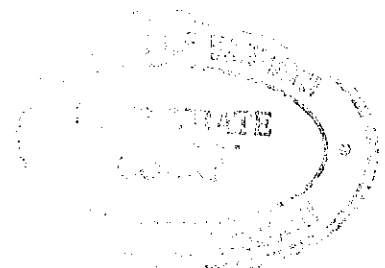
19. I note from the disclosures that you are a mature man with the co-offender being you biological son. You have spent your entire life serving in the police maritime wing as the captain of the police patrol boat.
20. You are a reputable person with no previous conviction report. You have just retired from your job and remained in your village at Eton.
21. In light of these factors, I deduct 3 months.

F. End Sentence

22. The sentencing principles achievable in this case are to hold you accountable for your conduct, to denounce criminal conduct and to send the message to the community that these types of offending are unacceptable and intolerable. Your end sentence is 7 months imprisonment and in view of the circumstances, your sentence is suspended for 2 years.
23. For completeness, you are ordered to a community work of 80 hours..
24. With regard to defendant Stanley Kalokul, he is ordered to a community work of 40 hours.
25. Both of you must see the Probation officer in the Correctional Department in 72 hours to discuss your working plan towards your community work sentence.

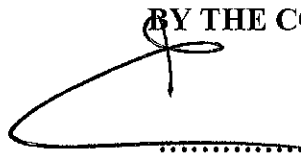
G. Appeal

26. You have 14 days to appeal this sentence if you are not satisfied with it.



DATED at Port Vila this 9th day of April 2021

BY THE COURT



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MOSES PETER
Senior Magistrate

