

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

Criminal
Case No. 21/1496 MC/CRML

PUBLIC PROSECUTOR

V

ESAL WILLIE

In Attendance: *Mr. Philip Toaliu for the State*
 Mr. Lorenzo Moli for the defendant

SENTENCE

A. Introduction

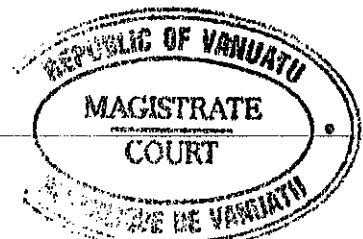
1. Mr. Esal Willie pleaded guilty on the charge of malicious damage to property.
2. He is convicted on agreeing to the summary of facts.

B. Facts

3. The complainant Mrs. Serah Yowan is the mother of the defendant.
4. She alleges on 7 May 2021 whilst at their home at Melemaat area, the defendant went home and cut the entire door of her house down with an axe and destroyed cooking utensils and threw them away on the sea.

C. Sentence starting point

5. The maximum penalty of malicious damage to property is 1 year's imprisonment or VT 5,000 fine.
6. There are no mitigating aspect of the offending. The aggravating factors are:
 - o The offending occurred in the confine of the complainant's home where she is entitled to feel safe and secure.



- o The use of an object to perpetrate violence and damage to personal properties.
- o The items damaged are irreparable.

D. Deductions for Guilty Plea

7. The defendant pleaded guilty at first opportunity. He is entitled to one-third reduction.

E. End Sentence

8. Defendant is unemployed and it would be impracticable for a fine to be imposed on him for his offending.
9. The counsels have indicated his past conviction on offences of theft and unlawful entry. No document was tendered to support that deposition, however the court asked the defendant if he had been to court before and he said yes.
10. In overall view of the matters discussed in relation to the defendant's offending, he is ordered to serve community works sentence of 60 hours.
11. Additionally, he is to undergo Supervision for 12 months.
12. He is to see the Probation officer forthwith and not later than 72 hours in relation to the community work sentence and the supervision order.
13. He has 14 days to appeal to the Supreme Court if he is not satisfied with this sentence.

DATED at Port Vila this 11th day of May 2021

BY THE COURT

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MOSES PETER
Senior Magistrate

