

PUBLIC PROSECUTOR

V

BATLEY PITA

Date of Sentence: 3rd day of November, 2017 at 9:00 AM

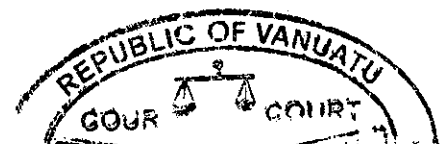
Before: David Chetwynd

In Attendance: Mr Simcha Blessing for Public Prosecutor

Ms Kylie Bakeo for Defendant

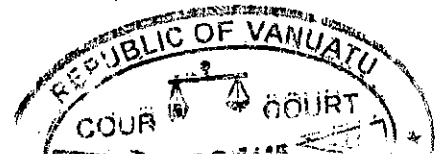
SENTENCE

1. The defendant entered pleas of guilty to 7 charges. They involved allegations of violence and threats to kill. The incidents of violence involved the defendant's de facto partner and her family.
2. There had been incidents of violence over a period of 2 years against the defendant's partner and on 31st March 2017 a family protection order was obtained in the Magistrates' Court. Shortly afterwards the defendant telephoned his partners father and said he would kill him.
3. In March 2017 the defendant broke into the father's house and damaged louvre windows. He also damaged other property in the house.
4. There was also an assault on the partner in March which left her badly bruised.
5. In July of 2017 the defendant went to the father's home again, the partner was now living with her father, and caused more damage. His behaviour was very aggressive and amounted to Domestic violence and was a breach of the Family Protection Order obtained in March.
6. In relation to the threats to kill, they were made over the phone. However the father had witnessed the defendant's aggressive behaviour and was



Concerned about the threats. Given the nature to the threat the defendant should be punished for the offence and the appropriate term is 12 months imprisonment.

7. There were 2 incidents of malicious damage. It is not known how much it cost to repair the damage concerned. Looking at the nature of the damage the defendant is sentenced to 5 months imprisonment on each count the sentences to be served concurrently to each other and concurrent to the sentence for the threat to kill.
8. I regard the breach of the family protection order as being very serious. Unfortunately Parliament has only provided a maximum sentence of 2 years for a breach of a family protection order. I take the view that if a family protection order is going to be of any value then a breach of the order should have severe consequences. If a breach of an order does not attract severe penalties one could question its value.
9. Having said that, the defendant has admitted an offence of domestic violence committed after the family protection order was made. The maximum penalty for an offence of domestic violence is 5 years imprisonment. I will therefore sentence the defendant to 2 years imprisonment for the breach of the family protection order and 3 years for the domestic violence. The latter affected not only the partner but her family as well. To mark the severity of breach of the order, the sentences will be served consecutively but concurrently to other sentences.
10. Finally the defendant assaulted the partner leaving her with bruises to her face, body and arms. The maximum sentence for an offence contrary to section 107(b) of the Penal Code (intentional assault causing temporary harm) is 5 years. The assault left the partner with injuries close to being permanent and in the circumstances this is an offence at the higher end of the scale. The defendant will be sentenced to 2 ½ years' imprisonment, to be served concurrently with other sentences.
11. The upshot is that the defendant is sentenced to 5 years imprisonment.
12. The defendant has no previous convictions. He has indicated some remorse but is inclined to blame his partner for his offending. He clearly has anger

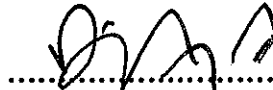


management issues and there is a suggestion he is very aggressive when he is in drink. However as he has no previous convictions and expresses remorse he is entitled to a reduction of 7 months from his sentence. That would leave a total of 4 years and 5 months to serve.

13. The defendant did enter pleas of guilty at the earliest opportunity and he is entitled to have his sentence reduced by 1/3 (18 months).
14. The defendant is left with a sentence of 35 months to serve. He has effectively served 5 months already. Given the gravity of the circumstances surrounding his behaviour over the past 2 years it would give the wrong message if the sentence was wholly suspended. I am prepared to suspend part of the sentence. The defendant will serve 1 year immediately and the balance of 18 months will be suspended for a period of 3 years. I hope that during his incarceration he will receive anger management counselling and that in the supervision following his released he will get help with alcohol and drug abuse.
15. The defendant has the right to appeal this sentence if he is dissatisfied. He has 14 days in which to do so.

DATED at Port Vila this 7th day of November, 2017.

BY THE COURT


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David Chetwynd
Judge

