

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

**Criminal
Case No. 17/3589 SC/CRML**

PUBLIC PROSECUTOR v RAYMOND PAKOA

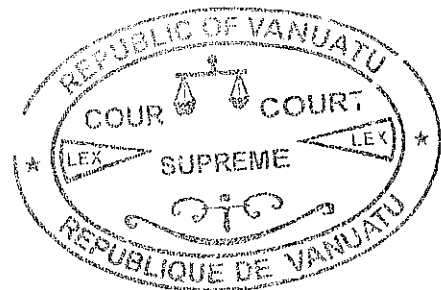
**Date of ADDENDUM TO 6th day of July, 2018 at 10:30 AM
SENTENCING
DECISION:**

Before: Justice David Chetwynd

**Counsel: Mrs Bertha Pakoasongi for Public Prosecutor
Ms Pauline Kalwatman for Defendant**

ADDENDUM TO SENTENCING DECISION


1. The defendant was convicted on 8th June and remanded for sentence until today, 6th July. The allegations concerning assaults by Correctional Services personnel was raised in a sworn document filed at 4:20pm on 3rd July.
2. At no time during the proceedings before the Supreme Court has there been any question raised by defendant concerning his ill-treatment by Correctional Services staff.
3. When first appearing before the Supreme Court the defendant was represented by Mr Livo from Public Solicitor Office. Having entered a plea of guilty he then consulted Mr Morrison and upon receiving advice asked to take his plea again. That application was heard on 22nd March, granted and a trial was fixed for 4th to 8th June.
4. Neither Mr Livo nor Mr Morrison raised the issue of assaults by Correctional Services staff.
5. At trial the defendant made allegations of assaults by Police Officers on arrest. The allegations were put to the officers who gave evidence. They deny any Police Officer had assaulted the defendant following his arrest.



6. At no time during the trial did the defendant make any allegations about assaults by Correctional Services staff.
7. I declined to take the defendants statement into account when sentencing. He had raised the issue of Police assaults but they had been dealt with during cross examination by the officers concerned.
8. No explanation was given to the Court why the allegations about Correction Services staff were raised barely 2 days before sentence. Prosecution submissions had been lodged and a Pre-Sentence Report provided by Probation. The lodging of the statement seemed to me to be blatant attempt to delay sentencing. They could have and should have been raised much earlier.
9. In any event the allegations of assault gave details of incidents which were far less serious than those reported in the Rony¹ case. Any allowance would have been minimal, meaning months rather than years. The defendant will be eligible for parole long before any reduction in sentence would be effective.
10. Counsel for Mr Pakoa gave no explanation at all why these matters were not raised earlier. Nor did she explain why the Prosecution had not been advised of the allegations. I find her behaviour very disappointing.

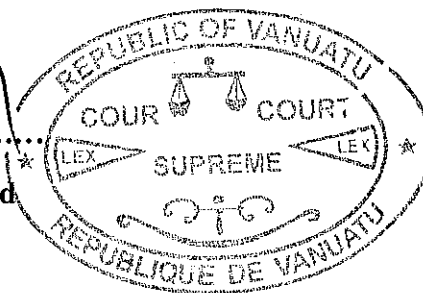
DATED at Port Vila this 6th day of July, 2018.

BY THE COURT



David Chetwynd

Judge



¹ Roger Rony v PP Criminal Appeal Case 1382 of 2017 (21 July 2017)