

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

Criminal
Case No. 21/261 SC/CRML

BETWEEN: Public Prosecutor

AND: Alex Albert
Defendant

Date: 8th April 2021
By: Justice G.A. Andrée Wiltens
Counsel: Mr C. Shem for Public Prosecutor
Mrs P. Malites for the Defendant

SENTENCE

A. Introduction

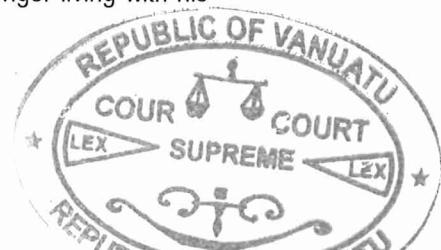
1. Mr Albert pleaded guilty to one charge alleging Domestic Violence and was convicted after trial on a second similar charge.

B. Facts

2. At the time of the offending, Mr Albert was 25 years old. There has been a history of vile verbal by Mr Albert towards his father (charge 1). He threatened to assault his father with a piece of kasis wood, and followed after him with intent (charge 2).
3. Mr Albert's father who was 66 years old, widowed and somewhat handicapped. He was scared of what could happen to him.

C. Sentence Start Point

4. The sentence start point is to be assessed by having regard to the maximum sentence available for this offending, and factoring in both the aggravating and mitigating aspects of the offending.
5. The maximum sentence for each charge is 5 years imprisonment. However imprisonment is not required for this case. What is required is space and time. Mr Albert is no longer living with his



father, which provides space between them. I intend to impose supervision, which will provide some time wherein there will be no or only limited contact.


D. Mitigation

6. Mr Albert pleaded guilty to one charge, but was convicted after trial on the second.
7. The defendant is 25 years, in a defacto relationship with 2 children to support and he has no previous convictions.

E. End Sentence

8. The end sentence imposed is accordingly a term of 18 months supervision with conditions that Mr Albert is to:
 - Keep away from his father, unless the father consents.
 - Attend and complete the Niufala Road programme and the FV awareness module
 - Attend and complete relapse prevention awareness.
9. 120 hours community work is also imposed.
10. Mr Albert has 14 days to appeal this sentence if he disagrees with it.

Dated at Port Vila this 8th day of April 2021
BY THE COURT


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Justice G.A. Andrée Wiltens

