

PUBLIC PROSECUTOR

v

SAM BULEKO

Date: 26 November 2021
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr D. Boe
Defendant – Mr R. Willie

SENTENCE

A. Introduction

1. Mr Buleko pleaded guilty to threat to kill (Charge 1) and intentional assault causing temporary injury (Charge 2). He accepted the summary of facts and was accordingly convicted on his own pleas and the admitted facts.

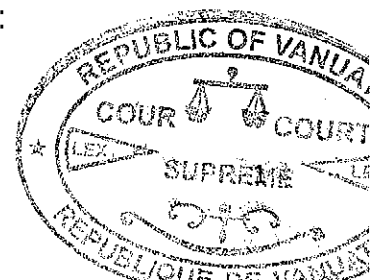
B. Facts

2. Mr Buleko and the complainant Joan Tabi both resided at Nakon Raboga village on Pentecost.
3. At around 6am on 16 November 2018, Mr Buleko was very angry from finding one of the complainant's cattle tied up to graze in his kava garden. When the complainant appeared, he told her that he had cut the cow and would cut her neck and kill her and her husband (Charge 1).
4. Mr Buleko used the bush knife he was holding to hit the complainant on her back causing a deep wound at the back of her neck (Charge 2).

C. Sentence Start Point and Mitigation

5. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.
6. The maximum sentences provided in the *Penal Code* [CAP. 135] are:

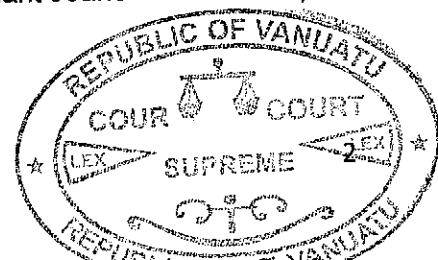
- a. Threat to kill – 15 years imprisonment; and



- b. Intentional assault causing temporary injuries – 5 years imprisonment.
7. There are no mitigating factors of the offending.
8. The offending is aggravated by the following:
- Unprovoked attack on a defenceless woman;
 - The use of a weapon;
 - The injury was inflicted to the complainant's head which is the most vulnerable part of the body.
9. The factors set out above require a sentence start point of 4 years imprisonment for the threat to kill and 2 years imprisonment for the intentional assault.
10. Mr Buleko pleaded guilty at the first opportunity. I deduct 33% from the sentence start point for the prompt guilty plea.
11. Mr Buleko is an older man; his exact age is unknown. He is married and has 7 children.
12. He has no previous convictions.
13. He intends to perform a custom reconciliation ceremony with the complainant but has not been able to as she moved away to Port Vila.
14. A further 3 months is deducted from the sentence start point for Mr Buleko's personal factors.

D. End Sentence

15. Taking all of those matters into account, the end sentences imposed concurrently are:
- | | |
|--|--------------------------------|
| a. Threat to kill (Charge 1) | 2 years 5 months imprisonment; |
| b. Intentional assault causing temporary injury (Charge 2) | 1 year 1 month imprisonment. |
16. The seriousness of the offending militates against suspension of the sentence. On the other hand, Mr Buleko being a first time offender, his prompt guilty pleas and demonstrated remorse favour suspension of the sentence. On balance, I am prepared to suspend the sentences for 2 years.
17. Mr Buleko is warned not to offend in the next 2 years or he will need to serve his sentences of imprisonment in addition to any other penalty that may be imposed on him for the further offending.
18. In addition, Mr Buleko is to pay compensation to the complainant Joane Tabi of VT10,000 by 4pm on 26 February 2022.



19. In the event of default in relation to the sentence of compensation, Mr Buleko is to be remanded in custody for that failure and serve the sentence of imprisonment.

20. Mr Buleko has 14 days to appeal.

DATED at Bwatnapni, Central Pentecost this 26th day of November 2021
BY THE COURT

UMTrief

Justice Viran Molisa Trief

