

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

Criminal  
Case No. 21/3300 SC/CRML

**BETWEEN: Public Prosecutor**

**AND: Alex Albert**  
Defendant

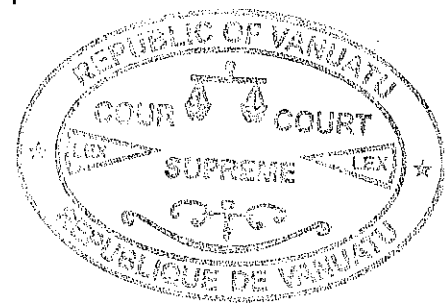
*Date:* 1 December 2021  
*By:* Justice G.A. Andrée Wiltens  
*Counsel:* Ms B. Ngwele for Public Prosecutor  
Ms K. Karu for the Defendant

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**Sentence**

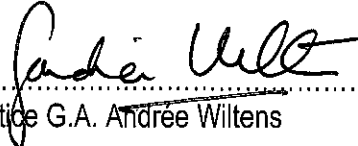
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1. Mr Albert pleaded guilty to domestic violence (x 2).
2. On 23 March 2021, Mr Albert returned home in the early hours of the morning. He climbed in through a window, due to issues with his father, who also resides in the house. He had pre-arranged to visit his de facto partner for the purpose of having sexual intercourse, which she had agreed to. She was then holding their 5-months old child. However, Mr Albert arrived drunk and was shouting, which cause his partner to decline sexual intercourse. Mr Albert became angry and he punched her in the face.
3. Other members of the family were woken by the altercation and interceded, but Mr Albert was not to be pacified; and he intimidated his partner by using abusive language towards her, calling her "kanfes" and ordering her to "fack off long haos blong mi". When the police were called, Mr Albert ran off.
4. Mr Albert subsequently admitted this conduct to the police.
5. The maximum penalty for the offence of domestic violence is 5 years imprisonment.



6. It is an aggravating factor of the offending that the punches were aimed at the head, that it took place in the complainant's home, that it occurred while she was holding their 5 months old child, and that there is a gross breach of trust involved in the offending. There are no mitigating factors to the offending.
7. The sentence start point that I adopt, taking both offences into account, is 12 months imprisonment.
8. Mr Albert pleaded guilty at the first available opportunity. I am unconvinced this shows remorse, but it has spared the need for his de facto to give evidence. That warrants a reduction from the sentence start point of one-third.
9. Mr Albert is 27, currently unemployed. He and his de facto partner have a 7-month old child. He has not taken part in a custom reconciliation ceremony, but states that he is willing to do so.
10. Mr Albert was sentenced to 12 months of supervision and 120 hours of Community Work in March 2021 for 2 previous offences of domestic violence towards his father. He has completed the Community Work, but has shown a poor attitude towards his supervision sentence and been twice verbally warned and given a written warning as well regarding his violent behaviour.
11. There is no mitigation available for Mr Albert's personal circumstances.
12. The end sentence I impose is one of 8 months imprisonment. That is imposed on both charges concurrently.
13. Mr Albert has been held in custody since 24 August 2021. Accordingly, his sentence is back-dated to commence from then.
14. Given that this offending is yet further unprovoked violence by Mr Albert, I am not prepared to exercise my discretion to suspend the sentence.
15. Mr Albert has 14 days to appeal the sentence.

**Dated at Port Vila this 1st day of December 2021  
BY THE COURT**

  
Justice G.A. Andree Wiltens

