

PUBLIC PROSECUTOR

v

JOE NAES LOUGHMAN

Date: 28 January 2022
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr C. Shem
Defendant – Mrs K.B. Karu

SENTENCE

A. Introduction

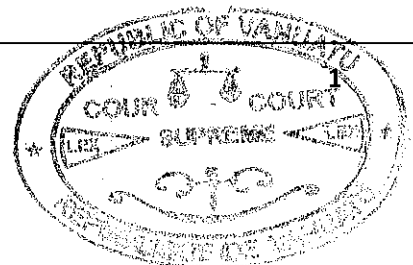
1. Mr Loughman was convicted after trial of threat to kill.

B. Facts

2. Mr Loughman is in a relationship with the complainant Vanessa Riri.
3. At 9pm on 26 June 2021, he was drunk and went to Ms Riri's house at Ohlen in Port Vila. Her elderly parents opened the door. He asked where Ms Riri was and told them not to hide her from him (Mr Loughman). He said that if they did, that he would kill her, then kill her man from Ambae and burn their house down.
4. The threat was made to Mr and Mrs Riri in circumstances where Mr Loughman was under the influence of alcohol, and this was the first time for them to meet each other. Mr and Mrs Riri were immediately frightened by the threat. Mr Loughman clearly intended that they would take the threat seriously and relay the threat to Ms Riri.
5. Mr and Mrs Riri told Ms Riri what Mr Loughman said. In fear for their safety, they all immediately left the house and went to Bladiniere Estate.

C. Sentence Start Point

6. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.



7. The maximum sentence prescribed in the *Penal Code* [CAP. 135] is 15 years imprisonment.
8. There are no mitigating factors however the offending is aggravated by:
 - The offending occurred at night time;
 - The offending occurred at the victim's home where she was entitled to be safe and protected;
 - The lack of remorse; and
 - The fear caused to other family members.
9. The factors set out above require a sentence start point of 3 years imprisonment.

D. Personal Factors

10. Mr Loughman is 34 years old and has 3 children. He and Ms Riri are expecting a child. He has no previous convictions. I deduct 2 months for his personal factors.

E. End Sentence

11. Taking all of those matters into account, the end sentence imposed is 2 years 10 months imprisonment.
12. The sentence is to commence on 29 December 2021 as Mr Loughman has already served 31 days in custody.

F. Suspension

13. The offending is serious. On the other hand, in view of Mr Loughman's family responsibilities and prospects of rehabilitation (this offending occurred on one occasion and whilst under the influence of alcohol), I suspend the sentence for 2 years. Mr Loughman is warned that if he offends again within the next 2 years, he will need to serve the sentence in addition to any other penalty that may be imposed on him for the further offending.
14. Mr Loughman is also ordered to complete 60 hours of community work.
15. Mr Loughman has 14 days to appeal.

DATED at Port Vila this 28th day of January 2022

BY THE COURT

..... V.M. Trief
Justice V.M. Trief

