

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

Criminal
Case No. 22/2119 SC/CRML

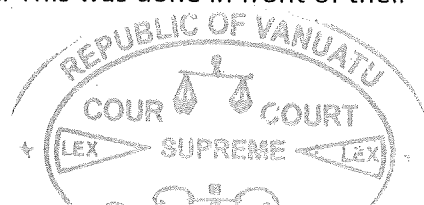
BETWEEN: Public Prosecutor

AND: Wuis Willie
Accused

Date of Sentence: 22 September 2022
Before: Justice EP Goldsbrough
Appearances: Taiki, M for the Public Prosecutor
Garae, J for the Accused

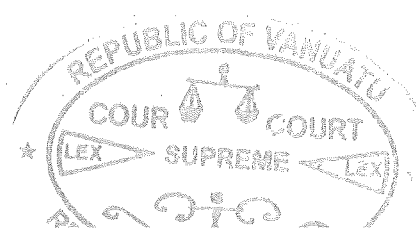
SENTENCE

1. Wuis Willie pleaded guilty to three offences all committed on 26 June 2022. Those three offences are intentional assault (107(b) Penal Code), making a threat to kill (115 Penal Code) and Domestic Violence (4 & 10 Family Protection Act 2008). He also pleaded guilty to a further similar intentional assault committed on 5 July 2022.
2. The offences were all committed against his wife. He is 28 years of age, and she is around 21 years of age. They live together with their children in South Santo. On Sunday 26 June they began an argument over some small thing when her husband swore at her and insulted both her and her father. He said "Yu stap antap long family blong yu oli stap fuckem yu makem se yu stap ansa, hed blong yu olsem kok blong daddy blong yu."
3. After this the defendant took a piece of electric wire and wrapped it around the neck of his wife and lifted her as if to hang her by the neck. This was done in front of their



three children who all became upset. He released the rope and allowed his wife to fall down. He threatened his distraught wife with “tedei bai mi offem life blong yu, bae mi sakem yu ko down long small wota”.

4. He repeated the assault once more with wire around his wife’s neck, lifting her to hang her up. As she stopped breathing, he released her and eventually left the house with the mother and children left behind distressed.
5. When, a week or so later on 5 July 2022 the defendant again became angry and aggressive after accusing his wife of telling lies, he hit her with a piece of wood causing her to bleed. The next morning, tired with his behaviour, she reported him to her pastor.
6. These offences carry heavy maximum penalties. Making a threat to kill carries 15 years imprisonment, assault 10 years and domestic violence 5 years. These maximum penalties assist the court when it comes to deciding where the starting point for sentencing should be.
7. Also to be considered are the factors which make the offences worse. The use of weapons certainly makes the assault much worse, as does committing the offence in the presence of the children in their own home. Failing to offer the victim any assistance after beating her does not reflect on her husband well. Hanging her up until she passed out itself demonstrates an intent to cause really serious injury, not just an injury that would not be permanent.
8. The defence submission contains confirmation that the factors suggested to aggravate the offences as outlined in the prosecution submissions are accepted as such. Therefore, for these offences taken together a starting point of three years imprisonment is arrived at.
9. As to mitigation, the offender pleaded guilty at an early opportunity and has previously not been involved with the police or the law and so appears with a good character. That good character has now gone. He has been in prison since being placed on remand on 11 July 2022. Having visited him in prison, his wife appears content to

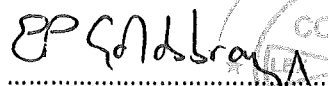


take him back into the family home once more as she accepts that the shock of prison may have taught him that this type of behaviour is not acceptable. No doubt she also has the continued welfare of her children at heart.

10. Whether Wuis Willie has learnt a lesson from this experience can only be the subject of speculation.
11. The starting point sentence may be reduced by 25% for the guilty plea and by a further 5% reflecting the other mitigating factors. That leaves a sentence of twenty-five months imprisonment for these offences taken together. The court considers that, if coupled with a community sentence and supervision, this imprisonment may be suspended.
12. The offender must agree to take part in activities organised by the Correctional Department as regards anger management and family violence. He must perform 80 hours of unpaid community work and he is made the subject of a sentence of imprisonment of twenty-five months suspended for two years and a supervision order for the same two years. Failure to perform the community work or failure to comply with the lawful instructions of his supervisor will see him returned to court to be further dealt with and the commission of any offence punishable with imprisonment within the next two year will see him in prison.
13. You have a right to appeal this sentence but if you wish to do so you must do so within 14 days from today. It is the responsibility of your lawyer to advise you on that.

Dated at Luganville this 22nd September 2022

BY THE COURT


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Justice EP Goldsbrough

