

**PUBLIC PROSECUTOR v JOB MOLI URI**

**Before:** Chief Justice V. Lunabek

**Appearances:** Mr D Boe for the State  
Mr RT Willie for the Defendant

**Date of Plea:** 24 April 2023

**Date of Sentence:** 5 May 2023

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**SENTENCE**

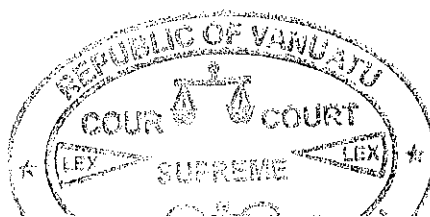
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**A. Introduction**

1. Job Moli Uri, you appear for sentence today after you entered a guilty plea on the offence of intentional assault, contrary to Section 107(c) of the Penal Code.

**B. Facts**

2. You are from Malo island. You are around 30 years old and you reside on Malo island.
3. The complainant is Uri Moli. He is also from Malo island. He is around 50 years old and he is your biological father.
4. On 24<sup>th</sup> December 2022, on Malo island, the complainant was at home drinking with his other son Steven and his nephew Richard. They were drinking alcohol up until 25 December 2022.
5. On 25<sup>th</sup> December 2022 around 3:00am, the complainant's nephew began swearing at him and swearing at his older brother and their mother. When the complainant heard this he became angry and fought his nephew. The complainant's nephew and son responded and fought the complainant back.
6. The complainant was still angry and decided to leave and go back to his house. However, you approached the complainant and told him that "yumi drink good long house blong yu finish after yu wanted faetem mifala" (Bislama translated: We were drinking properly at your house then you want to fight us).



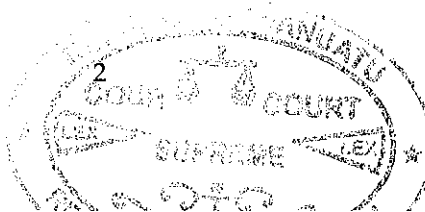
7. The complainant replied to you saying: “*mi kilim olgeta from oli swear long yumi wetem mama blong yumi, yu no harem nogud taem oli swear long yumi wetem mama blong yumi*” (Bislama translated: I assaulted them because they were swearing at us and our mother, don't you feel upset when they swear at us and our mother?).
8. Then you asked the complainant if the complainant was going to fight you which the complainant replied that no he was not going to fight you.
9. You continued to insist that the complainant fight you which the complainant then approached you. You however moved and at the same time you assaulted the complainant on his chest and when the complainant was about to fall down you then continued and kicked the complainant on his mouth. The complainant felt and his teeth were falling out. You then ran away.
10. The complainant's son Steven took the complainant and washed out the blood coming out from the complainant.
11. A medical report was made on 28 December 2022 by Dr Samuel Alex on the findings on the complainant's injuries:
  - missing teeth due to trauma – 11, 21, 22 degree 3 mobility (13, 23, 24) associated with trauma. In his opinion, the victim was physically assaulted as a result he lost his teeth.
12. On 30 July 2022 you were cautioned, you elected to speak in Court.

### **C. Sentence Start Point**

13. The offence of intentional assault causing damage of a permanent nature, carried a maximum penalty of 10 years imprisonment.
14. There was no personal factor to the offending found but the following are the aggravating factors to the offending:
  - There were serious damages caused to the body of the victim (loss of teeth);
  - The assaults were repeated;
  - The pain and suffering caused to the victim;
  - The complete lack of consideration and respect to his parent (father).
15. I adopt a start point sentence of 4 years imprisonment.

### **D. Mitigating Features**

16. You are from Malo Island. You live in a defacto relationship with a woman whom is 4 months pregnant. You are a Class 6 leaver. You sell fish at the Luganville, Market to sustain your family. You are in good health condition. You are a first time offender. You do not have previous convictions. You are remorseful for your wrongdoing. You cooperated with the police. Your sentence start point is reduced by 8 months to reflect this.



17. You pleaded guilty at the first opportunity given to you. You are entitled to a full one third reduction of your start point sentence.
18. You have performed a custom reconciliation with your father (complainant) and your family. You gave a pig valued at VT20,000 and a cash money of VT10,000. I give a further 1 month reduction to reflect this custom compensation.

**E. End Sentence**

19. Your sentence is 26 months ie. 2 years and 2 months imprisonment.
20. You have already spent some time in custody from 30 December 2022 and you were released on bail on 2 February 2023. You have spent a total of 35 days in pre-custodial period.
21. Your final end sentence is 2 years and 25 days imprisonment.
22. I consider the nature of the offending, its circumstances. I consider also the family setting and the custom reconciliation ceremony. I am prepared to give you a chance to amend for your wrong and behaviours. I sense you have accepted you responsibility toward your family and community. I suspend your imprisonment term for 2 years and 25 days.
23. In addition, I order that you perform 40 hours of community work.
24. You have 14 days to appeal this sentence. The 14 days starts today 5 May 2023.

**DATED at Luganville, Santo, this 5<sup>th</sup> day of May, 2023**

**BY THE COURT**

**Chief Justice V. Lunabek**

