

PUBLIC PROSECUTOR

v

JEFFREY IAUTU

Coram: *Hon. Chief Justice V. Lunabek*

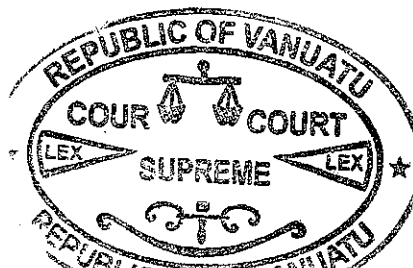
Counsel: *L. Young for the State*
H. Vira for the Defendant

Date of Plea: *7 June 2022*

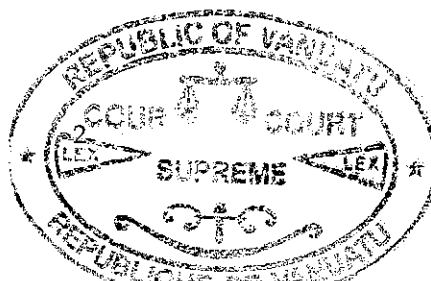
Date of Sentence: *9 May 2023*

SENTENCE

1. Defendant Jeffrey Iautu is charged and pleaded guilty to one count of threats to kill a person and one count of domestic violence, contrary to section 115 of the Penal Code and sections 4(1)(e) and 10(1) of the Family Protection Act No. 28 of 2008. He is convicted of these offences accordingly.
2. 15 years imprisonment is the maximum sentence for threats to kill a person and a term of imprisonment not exceeding 5 years or a fine not exceeding VT100,000 or both constitute the maximum sentence for domestic violence.
3. These offences are serious offences.
4. The brief facts is that on the 17th April 2022, Mr Jeffrey Iautu, you pursued the complainant (Lina Lauru) to her place of work at Breakers Resort at Pango. You went asking her whilst armed with a machete. You had directly threatened to kill her at that time but the security guards stopped you at the resort's entrance gate.



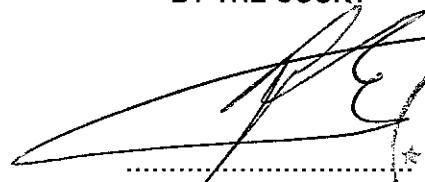
5. The complainant was scared for her life as well as the lives of her two children.
6. You were angry and acted that way because the complainant who is your defacto partner used to clock off work late at nights and for consuming kava.
7. You offending is aggravated by the following factors:
 - You and the complainant were in a spousal relationship as defector partners based on trust. The trust was breached in this case;
 - There was some form of planning as you pursued your partner to her place of work and asked for her whilst you were armed with a machete;
 - The machete is a weapon;
 - The complainant feared for her life and the lives of her two children as a result of the offending.
8. There was no mitigating factor contributing to the offending. The appropriate sentence start point is between 3 years to 5 years imprisonment based on the case of Public Prosecutor v Walker [2007] VUSC 63 and on appeal [2007] VUCA 12; PP v Johnson [2018] VUSC 157 and other cases.
9. Here, I adopt a sentence start point of 3 years imprisonment on the facts of this case.
10. I accept a start point sentence of 6 months imprisonment on domestic violence offence in Count 2, and that the sentences shall be concurrent. You have a sentence start point of 3 years imprisonment.
11. In mitigation, Jeffrey lautu is a first time offender. He pleaded guilty to the offences at the first opportunity given to him. I give him a discount of 33% of your sentence of 3 years imprisonment.
12. You are 40 years of age from Lamasa village, Aniwa island. The complainant is your defacto partner. You both have 4 children. You are employed as a security officer. You explained that your partner worked at the hospital and constantly come home late and drunk with consumption of kava. You wanted your partner to take her kava home, played her role as a wife, mother and taking care of her children so that he could resume duty as a security officer. You stated that you were so frustrated and you lacked control of your anger that led you to the offending. You were remorseful of your wrongdoing. You regret the offences you had committed. I give you a further allowance of 6 months to reflect your other mitigating factors.



13. Your end sentence is further reduced to 18 months imprisonment. You were remanded in custody for 3 days and released on bail. The specific dates of your remand in custody is not provided in the pre-sentence report. I will take a global 3 days out of your 18 months imprisonment, though, it was not ideal in sentencing rational.
14. Your final end sentence is a term of 17 months and 27 days imprisonment on all offences in counts 1 and 2 concurrently which is an imprisonment term of 1 year 5 months and 27 days. I consider whether the circumstances of this case justify a suspension of your sentence. I will suspend it for a period of 2 years. I explain the implication and consequence of the suspension of your imprisonment sentence. You understand it.
15. In addition, I order that you undertake 6 months probation to deal with your anger and how to better communicate with your partner and control your frustration.
16. You have 14 days to appeal this sentence if you are unsatisfied with it. The 14 days starts at the date of this sentence.

Dated at Port Vila, 9th day of May, 2023

BY THE COURT



**Vincent LUNABEK
Chief Justice**

