

PUBLIC PROSECUTOR

v

PISTOS ROROU

Coram: *Hon. Chief Justice V. Lunabek*

Counsel: *B N Tamau for the State*
K B Karu for the Defendant

Date of Plea: *22 Feb. 2022*

Date of Sentence: *26 May 2023*

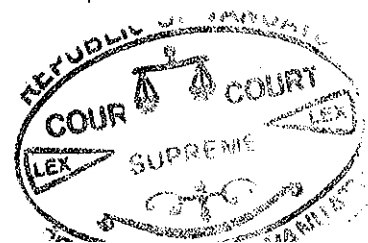
SENTENCE

A. Introduction

1. Mr Pistos Rorou, you appear for sentence after you pleaded guilty to one count of Domestic Violence (Count 1) and one count of Intentional Assault, contrary to ss.4(1)(a) and 10 of Family Protection Act and s.107(a) of the Penal Code respectively.
2. You entered a not guilty plea on one count of sexual intercourse without consent, the prosecution offered no evidence under s.29 of the Criminal Procedure Code. You were discharged of this offence and the charge of sexual intercourse without consent, laid against you in the information was dismissed.

B. Facts

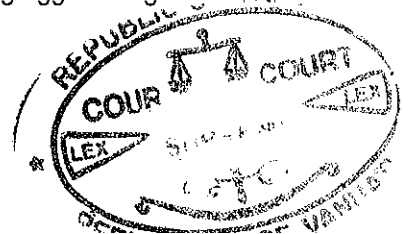
3. You live in a defacto relationship with your partner and you had together one child who was one year old at the time of the offending. Your partner Gisele Molvan is the complainant in this case.



4. The complainant took her daughter and attended a wedding at Blacksands area on 28 October 2022.
5. Around 6:00pm in the afternoon her aunt told her to go to the shop. While she was walking towards the shop, you came from behind and squeezed her neck. She could not breathe and she could not even call out for help.
6. You kept your hand around the complainant's neck and forced her to follow you. She followed you to your house and you pushed her into the house. You then punched her on the face. The complainant fell on the floor and then you kicked her on the rib. She cried out loud and her sister came to her rescue.
7. The complainant's sister Jenny Molvan called out to you to stop.
8. You answered her and told her that she had no right to come to your house. You continued to assault the complainant so Jenny pushed open the door to save her sister. When she opened the door, she saw the complainant on the floor. She was covered with blood.
9. You were angry and told Jenny that she had no right to come for the complainant because she was your woman. You then kicked Jenny on her stomach and punched her on the jaw. Immediately some young men came in and stopped you. Jenny then assisted the complainant and then took her to the hospital on the 31st of October 2022.
10. A medical report was issued by the doctor which showed that the complainant sustained injuries on her face. She also suffered some pain on her right-side rib and it was seen to be swollen. She also experienced headache and severe backache after the assault.
11. You were cautioned and elected to remain silent.

C. Sentence Start Point

12. The offence of domestic violence carries a maximum penalty of a term of imprisonment not exceeding 5 years or a fine not exceeding VT100,000 or both.
13. The offence of intentional assault carries a maximum penalty of 5 years imprisonment if the damage caused is of temporary nature.
14. There is no personal mitigating factors to the offending but the following aggravating factors exist in this case:



- Serious breach of trust;
- Serious injuries sustained by both victims.

15. Your sentence start point is 3 years imprisonment based on the circumstances of this case.

D. Mitigating Factors

16. Mr Pistos Rorou, you were 19 years old at the time of offending.

17. You live with your defacto partner with your parents at Teouma.

18. You dropped school at the very early age to take over your father's small local business of painting, carving and farming because your father was diagnosed with diabetes. With that local business that you operated, you earned income to support your parents and your own family.

19. You are supportive to your extended family and even your community.

20. You explained the offences you committed were out of anger and when you were under the influence of alcohol. These are not mitigation.

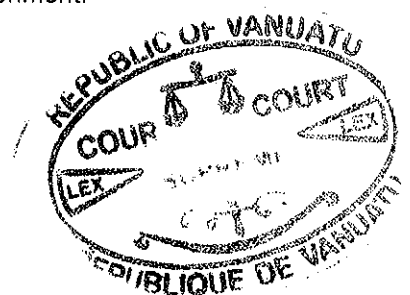
21. You are sorry for your wrong doings towards the complainant and you apologized to her. You did not apologize to the complainant's sister.

22. The complainant had written a letter on 19 January 2023 to withdraw this case, but still you felt that you had to take the right step by admitting your wrong doings and you are prepared to accept any punishment the Court has to impose on you.

23. You are a first time offender. You have a clean record. I give you an allowance of 12 months to reflect your clean record and other personal mitigating factors.

24. You pleaded guilty at the first opportunity given to you by the authorities. I give you an allowance of 33% reduction to reflect your early guilty pleas.

25. The balance of your remaining sentence is 16 years imprisonment.

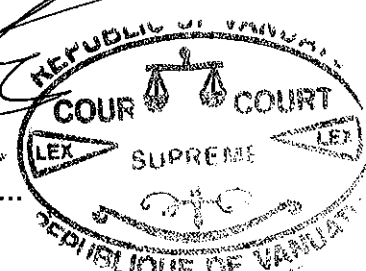
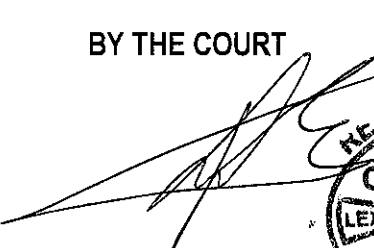


E. End Sentence

- 26. You end sentence is 16 years imprisonment.
- 27. You were remanded in custody on 17 November 2022 and you were released on bail on 10 February 2023. You have already spent 2 months and 3 weeks which represents an effective sentence of more than 4 months imprisonment. The time you have already spent in pre-custody period will be deducted from your end sentence.
- 28. Your sentence now is 12 months imprisonment. I consider the nature and circumstances of your offending and your character as the offender. I decide to suspend your imprisonment term of 12 months imprisonment for a period of 3 years.
- 29. I explain to Mr Pistos Rorou, the implication and consequences of the 3 years suspension period. Mr Pistos understands it.
- 30. You have 14 days to appeal this sentence if you are unsatisfied with it. The 14 days starts at the date of this sentence i.e. 26 May 2023.

Dated at Port Vila, this 26th day of May 2023

BY THE COURT



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Vincent LUNABEK
Chief Justice