

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

**Criminal  
Case No. 23/833 SC/CRML**

**BETWEEN: Public Prosecutor**

**AND: Alex John Moli  
Defendant**

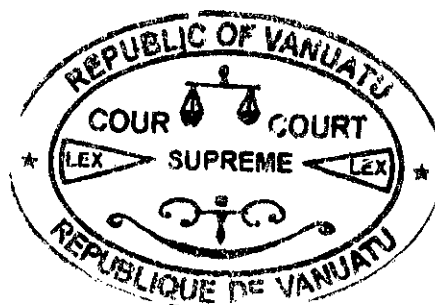
**Date of PLEA:** 10<sup>th</sup> July 2023  
**Date of Sentence:** 20 July 2023  
**Before:** Justice Oliver Saksak  
**In Attendance:** Mr Gregory Simeon for Public Prosecutor  
Mr Steven for the Defendant

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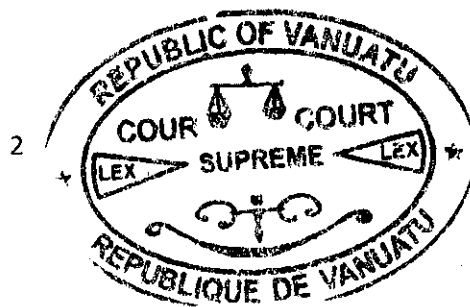
**SENTENCE**

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1. Alex John Moli pleaded guilty to one charge of false imprisonment ( section 118) and to one charge of unintentional harm ( section 108(b)). He is for sentence today.
2. The offence of false imprisonment is serious and carries the maximum of 10 years imprisonment. And the offence of unintentional harm causing permanent damage carries the maximum of 2 years imprisonment.
3. The offences occurred in a package on the same day being 15 March 2023 at about 1900 hours at the Samansen Road. The defendant drove a grey taxi at the time. His victim, a 22 year old girl was walking along the road heading towards the Shell Depot. The defendant stopped by her side and asked her where she was heading and invited the complainant in. She got in and they headed for Bombua. The defendant the asked the complainant to go with him to Big Sea and he would give her some money. The girl refused and asked to get out of the taxi. But the defendant accelerated and kept on going. The victim tried to open the door but it was locked. The girl then jumped through the window of the accelerating car. As a result she sustained serious injuries and was taken to the hospital for medical attention and treatment.



4. There were no mitigating circumstances but there were aggravating features such as-
- Some degree of planning and malicious motives.
  - Serious breach of trust.
  - The detaining or confinement of the complainant against her will in the taxi with locked doors.
  - The deliberate acceleration to deter any chance of escape.
  - The serious injuries sustained by the victim,
  - The pains she had to suffer as a result of her injuries.
  - His deliberate desertion of the victim leaving her to die without any respect for her life or wellbeing.
  - He is a repeat offender currently serving a 4 years and 2 months sentence for sexual intercourse without consent and threats to kill.
5. This is a case where only a custodial sentence will be imposed to mark the seriousness of the offendings committed, to mark the Court's and public condemnation of the defendant's unlawful actions, to deter the defendant and other like-minded taxi or transport drivers, to protect the weak and vulnerable members of the community from such unwarranted behaviour and to punish the defendant appropriately.
6. Taking all the aggravating features together without any mitigating circumstances, and the seriousness of the offences committed, I adopt the following sentences-
- a) For false imprisonment – Count 1 a global figure of 5 years imprisonment.
  - b) For unintentional harm causing permanent injuries, 2 years imprisonment, concurrent with the 5 years imprisonment for the false imprisonment offence.
- His total concurrent sentence is 5 years imprisonment.
7. I now consider his mitigating factors to reduce his sentence. First his guilty plea. He is not entitled to the full 1/3 reduction. He is only given an 8 months reduction leaving the balance of the sentence at 4 years and 4 months.



8. I have seen his pre-sentence report showing his character and personal history. He is a 40 year old father with a defacto wife and 4 children, the latest child born on 2<sup>nd</sup> July 2023. I allow a further 8 months reduction for these personal factors. The balance and end sentence is 3 years and 4 months imprisonment.
9. This sentence of imprisonment will not be suspended but it is made consecutive to his current sentence of 4 years, 2 months and 4 days for sexual intercourse without consent and threats to kill for which he was convicted and sentenced on 2 May 2023.
10. In total the defendant will serve 7 years 6 months and 4 days at the Correctional Center in Luganville. He will be eligible to apply for parole after serving half of his total sentence.
11. There is a right of appeal against this sentence within 14 days but he must continue to remain in custody because he is already serving a current imprisonment sentence.

**DATED at Luganville, this 20<sup>th</sup> day of July 2023**

**BY THE COURT**

  
**OLIVER.A.SAKSAK**

**Judge**

