

BETWEEN: Public Prosecutor

AND: Yves (Eve) Charley
Defendant

Coram: Justice Aru

Counsel: Mr. T. Karae for Public Prosecutor
Ms. L. Bakokoto for the Defendant

SENTENCE

Introduction

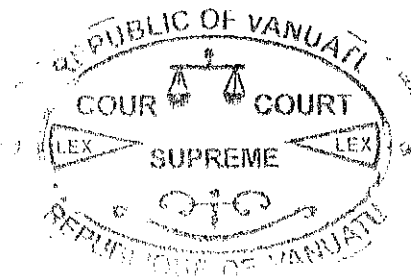
1. The defendant pleaded guilty to one count of intentional assault. This is his sentence.

The facts

2. On the 12 December 2023 there was a custom ceremony at Wilak village North West Malekula involving the defendant's father Krassiano Charley and his wife's family. Following the ceremony, a feast was held at Krassiano Charley's house. There was food and alcohol. The complainant is the defendant's brother-in-law. The complainant saw his wife drinking alcohol and became angry with her. He approached her but she ran into the house and he started threatening her. Krassiano Charley saw the complainant and told his boys to assault the complainant.
3. The defendant assaulted the complainant on his ribs and chin cracking the right side of the jaw. The complainant felt pain and tasted blood in his mouth. The complainant then ran away to his house. He returned to speak to his wife but saw some boys waiting for him and left. He went to relative's house with blood running down his clothes and his jaw dislocated. He was later taken to Norsup hospital then flown to Vila for treatment.
4. The defendant was arrested and admitted under caution that he assaulted the complainant.

Sentence start point

5. The maximum sentence available for intentional assault where injury is of a temporary nature is 5 years imprisonment. The offending is aggravated by the fact that the assault was unprovoked and the complainant suffered injuries to his jaw. The assault also took place in front of family members and in view of the public. There are no mitigating factors of the offending.
6. I adopt a starting point of 3 years imprisonment.



Mitigating factors

7. No submissions were filed by the defendant as directed. The Pre-Sentence Report filed stated that the defendant was 25 years old and single. He is a first-time offender and left school at year 9 and now lives with his father a widower and supports him. He earns his living by doing gardening and selling cocoa and kava.
8. Taking these factors into account including 3 days spent in custody I reduce the sentence start point by 12 months.
9. The defendant entered a guilty plea at the first available opportunity therefore the sentence start point will be further discounted by 27%.

End sentence

10. The defendant is sentenced to an end sentence rounded of to 1 year 5 months imprisonment. The sentence will be suspended for a period of 2 years. Should the defendant reoffend during this time period he will be re arrested and remanded in custody to serve the sentence.
11. In addition, the defendant will perform 100 hours of community work.
12. The defendant has 14 days to appeal if he is not satisfied with the decision.

DATED at Port Vila, this 31st day of May, 2024.

BY THE COURT

