

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

Criminal  
Case No. 24/2616 SC/RML

**BETWEEN: Public Prosecutor**

**AND: Andre Ringiau**  
*Defendant*

**Before: Justice Oliver A. Saksak**

**Counsel: Mr Christopher Shem for Public Prosecutor**  
**Mr Harrison Rantes for the Defendant**

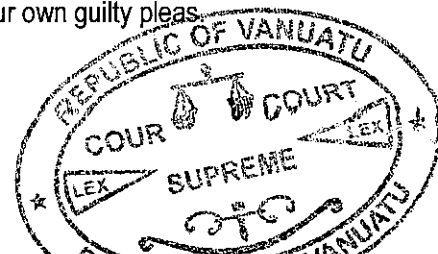
**Date of Plea: 24th November 2024**  
**Date of Trial: 4th December 2024**  
**Date of Verdict: 5th December 2024**  
**Date of Sentence: 6th December 2024**

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**SENTENCE**

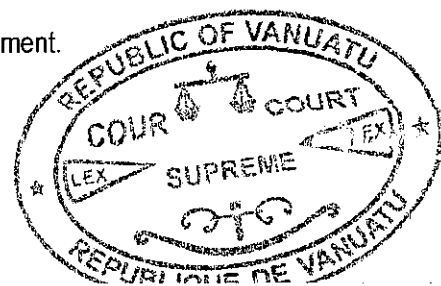
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1. The defendant is for sentence today after pleading guilty to the offences of domestic violence and obstructing police on 25<sup>th</sup> November 2024. He was tried in relation to kill on 4<sup>th</sup> December 2024 and found guilty on 5<sup>th</sup> December 2024.
2. Domestic violence under section 4 and 10 of the Family Protection Act carries the maximum penalty of 5 years imprisonment or a fine of VT 100,000 or both. The maximum penalty for obstructing Police is of 6 years imprisonment or a fine not exceeding VT300,000 or both. And threats to kill carries the maximum penalty of 15 years imprisonment.
3. You have accepted the facts as set out by the Prosecution in relation to domestic violence and obstruction of the Police. You will be sentenced for these two charges in your own guilty pleas.

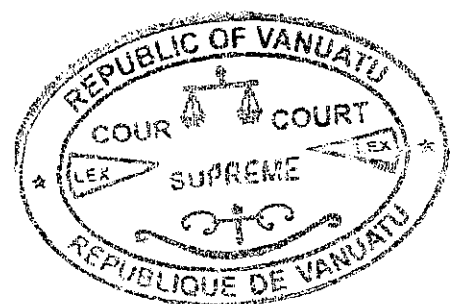


4. For threats to kill, you challenged the facts and you were tried. However the Court found you guilty of the charge on 5<sup>th</sup> December 2024. The facts are set out in the judgment and I need not re-state them here.
5. In sentencing you today I have considered the written submissions by Prosecution filed on 5/12/2024, and his written submissions filed by Mr Rantes on 6/12/2024 at 9:58am.
6. There is no Pre-Sentence Report because the Probation Officer, Mr Kapalu is currently in Port Vila for a Department Workshop. But your personal details and history are helpfully set out by Mr Vira in the written submissions filed. And I note and take account of them in assessing your appropriate sentences for the three offences you were charged with.
7. I note the case authorities referred to by Prosecutions which are PP v Vahirua [ 2008] VUCA 159, Kalo v PP [2020] VUCA 39, PP v Mael [2024] VUSC 260, PP v Walker [2007] VUSC 63 and Tula v PP [ 2023] VUCA 59.
8. Mr Vira referred also to PP v Tula [ 2023] VUSC 161 and PP v Kasso [2021] VUSC 18.
9. These are all helpful guideline cases, some of which are persuasive only and not binding on this Court, except the Court of Appeal cases.
10. The aggravating features of your offendings are serious breach of trust to your own relatives and members of your community, your disrespect to the police who are responsible for ensuring and maintaining law and order in our communities, the use of weapons such as an axe and machete or knife against your victims, your disorderly behaviour in the presence of your respected elders, women, young people and children in your community.
11. Taking these factors together with the seriousness of the offences you committed, I convict and sentence you as follows-
  - a) For Count 1- Domestic violence- 12 months imprisonment.
  - b) For Count 2- Obstructing Police- 24 months or 2 years imprisonment.
  - c) For Count 3- Threats to kill – 60 months or 5 years imprisonment.

These sentences are to be served concurrently for a total of 5 years imprisonment.



12. In mitigation first I take into account your guilty plea in relation to the charges in Counts 1 and 2. For the threats to kill charge in Count 3, you were tried following your not-guilty which is your right. It is my view that despite the trial, you are still entitled to the full 1/3 reduction for and in respect of the two charges in Count 1 and 2. It would be different if it was a stand alone trial only for one charge. Therefore your start sentence is reduced by 1/3 to 3 years and 4 months.
13. Next for the substantial reconciliation ceremony with the victims Ringiau Ronnie, John Nias and Police Officers which show remorse, together with all your other personal factors, 8 months are deducted leaving your end sentence at 2 years and 4 months imprisonment.
14. I note your past criminal convictions but they were for unrelated offences. Your last conviction was for theft in 2008. Your parole expired on 12 October 2020, You had 3 years offence free period which is a credit for you.
15. It is not our past that determines your future success rather it is your character. Too often times characters are ruined by our past by the way our own people see us. If they see you only as a bad person, they will always threat you as such and that will bring a negative image on yourself and make you feel you are not accepted in your community. I sense this is what you are facing in your community.
16. Today whereas I should send you to prison, I am going to suspend your sentence of 2 years and 4 months imprisonment. I am giving you another chance to go back to your people and show them that you are not a bad person. You must use your God given skills and talents to do something positive, to change your character and to move forward with your life.
17. Your suspension is made under section 57 of the Penal Code Act. This means you will not go to prison today. But you must live offence free for a period of 2 years from today. If you commit any offences which you would be charged and convicted, you will go to prison for sure for 2 years and 4 months, including any other sentence you may be given.



18. I will however sentence you to an additional sentence of 100 hours of community work, to be performed within 12 months from today.

19. You may appeal against this sentence if you do not agree with it, within 14 days.

**DATED at Isangel, Tanna, this 6<sup>th</sup> day of December 2024**

**BY THE COURT**

  
**Hon. OLIVER A SAKSAK**

**Judge**

