

BETWEEN: Public Prosecutor

AND: Rinet Tari
Defendant

Coram: Justice Dudley Aru
Counsel: Ms. J. Tete the Public Prosecutor
Mr. J. Garae for the Defendant

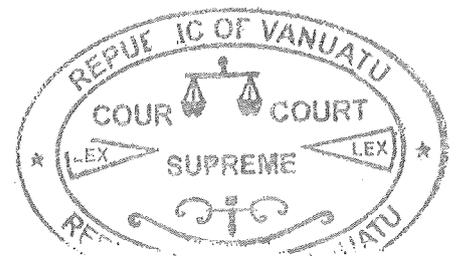
SENTENCE

Introduction

1. Rinet Tari pleaded guilty to one count of intentional assault causing death. She is convicted on her guilty plea and the admitted facts. This is her sentence.

Facts

2. The deceased was the defendant's husband and they have a 12 year old daughter. Before the incident all three were living at Navonda village on Ambae where the offending occurred. On the evening of 9 May 2025, the defendant and her daughter Jiola Tari were at home sitting down preparing pandanus leaves for weaving. The defendant was tearing the pandanus leaves with a knife when the deceased entered the house. He was drunk and asked for some money he had left on a table. The defendant told him she had not seen the money and the deceased punched her. The defendant was still holding onto the small knife and when the punches continued she struck the deceased with the knife on his left chest. The defendant then withdrew the knife from the deceased's chest and ran outside.
3. Their daughter Jiola Tari who was in the house with the defendant saw everything. When she saw the stab wound and blood gushing from her father's chest she cried and ran to seek help from the relatives.
4. The deceased's father William tari was at his home when he heard the defendant shouting at Jiola then he heard the deceased screaming at the defendant saying "yu sperem mi mi ded ia" (you stabbed me and I am dying). The deceased's father then ran to his son's house and saw blood on the floor and upon entering a room saw the deceased covered in blood and bleeding from the chest.
5. The deceased was taken to the hospital that evening but died at the Godden Memorial Hospital. A Serah Bani was at her home that night when the defendant went to her house. She enquired of the defendant as to what she was doing and the defendant told her she had a fight with the deceased and she stabbed him with a knife. The defendant then ran to Saratamata. Serah Bani



told the defendant to surrender to the Police. It was not until two hours later when another woman named Maria Mala took the defendant to the Police station.

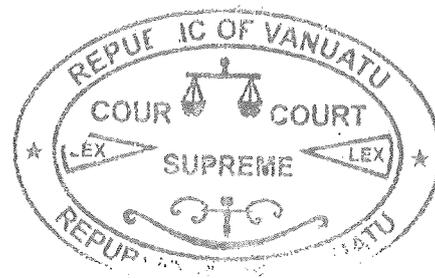
6. A medical report by Dr Chyngalyne T dated 10 May 2025 revealed her findings that there was a deep penetrating wound on the deceased's left side of the chest area and that the deceased was likely to have sustained physical assault which resulted in him having a heart injury from this penetrating blunt trauma causing him to have accumulation of air and blood in his chest cavity and also lung injury all of which led to his death.
7. The defendant admitted the offending when interviewed by the Police on 11 May 2025.

Sentence start point

8. The sentence start point is assessed by having regard to the maximum sentence available and any aggravating or mitigating factors. The maximum sentence available for intentional assault causing death is 14 years imprisonment as provided under s107 d) of the Penal Code. The following factors are aggravating factors of the offending:
 - The use of a knife as a weapon
 - There is a breach of trust
 - The offending occurred in the home
 - The offending occurred in the presence of a child
9. There are no mitigating factors of the offending.
10. The prosecution submits that a custodial sentence was warranted to hold the defendant accountable for her actions. It was submitted that the starting point be between 8 to 10 years imprisonment. The prosecution referred to the case of *PP v Ierongen* [2022] VUCA 34 where the Court accepted that in disputed cases of this nature where a knife or gun was used which led to the victim's death, the appropriate starting point would be within the range of 8 to 10 years imprisonment.
11. The prosecution also referred to a number of cases of similar offending to this case where the starting point varied from 4 to 8 years imprisonment depending on the circumstances of each case. This was also indicative from cases referred to by defence Counsel where the weapon used to cause death was not necessarily a knife. Mr Garae submitted that the starting point of sentence should be between the range of 3 to 5 years imprisonment.
12. I am mindful of what was said in *Ierongen*, however, this was not a disputed case, which required a trial as the defendant pleaded guilty to the charge. Nevertheless, this is still a very serious offending, which resulted in death.
13. I adopt a starting point of sentence of 7 years imprisonment.

Guilty plea and personal factors

14. The defendant entered a guilty plea at the earliest available opportunity as a sign of remorse. Following the incident, she surrendered herself to the Police in a matter of hours and admitted her guilt. Her sentence start point will be discounted by one third or 33%.



15. A Same Day Report was filed on her behalf. The report states that the defendant originates from Wailengi, Ambae and comes from a family of eight children. She was married to the deceased and they have a daughter as the only child. She is a first time offender. She completed her education at year 10 at St Patrick's College on Ambae. She is skilled in weaving traditional mats and baskets and also gardening and this how she earns her income

16. For these personal factors deduct 4 months from the sentence start point.

17. The defendant has also performed a custom compensation to the deceased's relatives by giving the following items:

- 10 dry heads of pigs worth of VT 10,000 each totalling VT 100,000
 - 1 life male pig worth VT50,000
 - VT105,000 cash
 - 2 18kg bags of rice worth VT4000 each totalling VT8000
 - 1 custom long mat Ngaf – hangafulu worth VT20,000
 - 1 short mat Mundu worth VT2000
- All together makinga total value of VT 185,000

18. Considering the custom compensation, the sentence start point is further reduced by 3 months.

End sentence

19. I sentence you to an end sentence rounded off **4 years imprisonment effective from 12th May 2025** when you were remanded into in custody.

20. You have 14 days to appeal if you are not satisfied with the decision.

DATED at Luganville, Santo this 27th day of August, 2025

BY THE COURT

Dudley Aru
Judge

