

**PUBLIC PROSECUTOR v JENNIFER ATTY**

*Coram: Magistrate J. Palo*  
*Date of Sentence: 15 October 2019*  
*Appearances: Mr. Malsolip Tamau for the State*  
*Mr. Lorenzo Moli for the Defendant*

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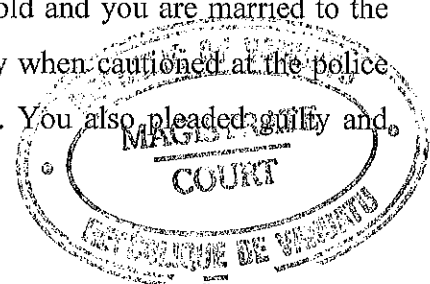
**SENTENCE**

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Mrs. Jennifer Atty, you pleaded guilty to two charges that were laid against you for breaching a family protection order that was made against you: (1) Breach of family protection order contrary to *Section 21(1) of the Family Protection Act No.28 of 2008*; and (2) Abusive and threatening language contrary to *Section 121 of the Penal Code Cap 135*.

On 25<sup>th</sup> September 2019, a Trevor Cyrel was driving along the USP roundabout where you saw him and you swore at him following issues you had with your husband. He drove off but you followed him until he reached a property occupied by your husband. He went inside the premises and locked the gate. You got angry and so you swore at people who were working there and you threatened to bring people there to beat them up. You also threw stones at them. Those persons feared for their life and they stayed locked until three hours later when the police arrested you. You were kept in police custody for a night and released the next day. The Prosecutor highlighted the seriousness of your offending in that you knew really well about the orders made against you through an application filed by your husband Simon Atty, and yet you ignored it and breached it. This Court was prayed to take this matter seriously as it is a result of you breaching orders 1 and 2 of the protection orders. Mr. Tamau requested a penalty of 3 years imprisonment but the imprisonment term is to be suspended. The penalty requested is for both counts, and you are further to be warned not to re-offend.

On your behalf, your lawyer advanced that you are 47 years old and you are married to the Complainant. You admitted liability at the earliest opportunity when cautioned at the police station and therefore the court should consider 1/3 reduction. You also pleaded guilty and

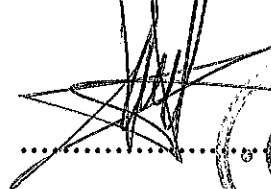


thereby saved time for the court not to go through trial. You have no previous conviction. You are a mother of four children whom you are jointly supporting with your husband. You are currently separated from your husband and you have custody over the children. All four children are attending school. You are unemployed. In relation to the offending, you said you are remorseful and that you committed the crime out of anger. You acted that way because you had issues with your husband but nobody assisted you to try and sort them out. Your husband continuously ignored you and that generated an anger which led you to lose your temper. According to Mr. Moli, you knew what you were doing and you learned your lesson when you spent the night at the police station. Taking all these facts into account, it was requested that a fine of 5,000VT be imposed for count 1, and a fine of 1,000VT is to be imposed on count 2 as it stands on the lower scale of seriousness of offending.

I am convicting you for the charges that you pleaded guilty to. You are liable to an imprisonment term as you understood really well the nature of the domestic violence orders issued because they were explained to you in Court. Yet you decide to act upon yourself. The Court acknowledges that you are going through tough times with your husband but there is no excuse to justify your breach. You are a mother and you should have shown a way better example to your children than to spend a night in police custody. Your breach has doubled the violence you instigated against your husband, an act that is not tolerated by the society and this Court. Considering the facts presented by the Prosecutor and your lawyer, I will not consider imposing a fine on you as you are unemployed and the fine may be really high. I therefore sentence you to 3 months imprisonment but which is suspended for 12 months from today. This sentence is for both counts as they occurred on the same day and relate to the same issue of domestic violence. In the event you re-offend within the suspension period, you will be sent to serve 3 months in prison. You have 14 days to appeal if you are not satisfied with this decision.

**DATED at Port Vila this 15th day of October, 2019.**

**BY THE COURT**



**J. PALO**

**Magistrate**

