

PUBLIC PROSECUTOR

V

JASK CARLO NANGIA

Before: Senior Magistrate Moses Peter
In Attendance: Mr. Tristan Karae for the Public Prosecutor
Mrs. Kylie Karu for the defendant

SENTENCE

A. Introduction

1. Mr. Jask Carlo Nangia, you pleaded guilty on 2nd November 2020 on the charges of Domestic Violence and Drunk and in Possession of a Firearm.

B. Facts

2. The complainant is your wife whom you cohabited with at Fresh Water 6 area, Port Vila with your six children.
3. She stated a repetitive account of your violence behavior towards her until the ordeal of 1 January 2019 when you perpetrated assault on her by punching directly at her on her face using your fist while in the instance she was trying to avoid the blows with a chair.
4. Immediately after the assault, she told you she wanted to leave and to which you agreed.
5. However, as she was leaving the yard she turned back and saw you holding a rifle while going after her. She hid from you, waved a bus down, and fled the scene.
6. The accounts of your other violent and abusive behaviors towards her revealed you have threatened her in the past with your rifle.



7. She also reported accounts of assault using a piece of wood and uttering words to the effect "*you mekem wanem I good long ples ia, you stap westem time nomo*".
8. She said in some occasions, you would be very aggressive and would burn all her clothes and even her family members would try to intervene but you would not seem to bother or are too aggressive.
9. The Police arrested you and upon cautioning you, you made full admission of your offending and said you are very angry at the time.

C. Sentence Starting Point

10. The maximum penalty for the offence of Domestic Violence is VT 100,000 fine or 5 years imprisonment or both, and for Drunk and Possession of a Firearm VT 100,000 fine or 2 years imprisonment or both.
11. In considering the aggravating and the mitigating factors, I set a starting point of 12 months to be concurrent for both charges.

D. Deduction for Guilty Plea

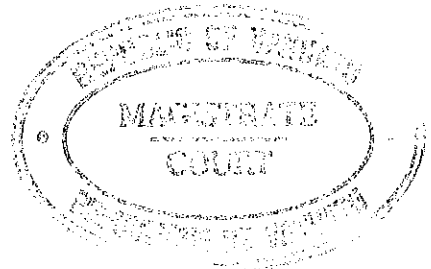
12. You pleaded guilty at first given opportunity. This flows from your prior admissions to the Police at cautioning. You are therefore entitled to one-third reduction of your starting sentence (4 months and 1 week).

E. Personal Factors

13. You are 52 years of age, married with six children who all live with you at your residential home at Fresh Water 4 Area at Port Vila.
14. You are employed at Correctional Department serving in the position of Corporate Manager.
15. You have no previous convictions; however, this position could have changed had your wife made a formal complaint to the Police regarding your previous histories of assaults and domestic violence.
16. For your personal factor, the sentence is further reduced by 2 months.

F. End Sentence

17. The sentencing principles achievable in this case are to hold you accountable for your conduct, to denounce criminal conduct and to send the message to the public that these types of offending are unacceptable and that the community and homes must always be the safest places for everyone to live in.
18. Your end sentence is 5 months and 3 weeks.



G. Suspension

19. In view of the circumstances, I suspend your sentence for 2 years. You are ordered to pay a fine of VT 20,000 in 30 days.

H. Appeal

20. You have 14 days to appeal to the Supreme Court if you are not happy with this decision.

DATED at Port Vila this 9th day of April 2021

BY THE COURT



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MOSES PETER
Senior Magistrate

