

PUBLIC PROSECUTOR

V

LIVU BULE

Date of Sentence: 4th December, 2023.

Before: Magistrate FSam.

In Attendance: Ms Tete_J – OPP.

Mrs. Markward_M -Defence & Defendant.

SENTENCE



Introduction

1. Mr. Livu Bule, you appear today for your sentence, after pleading 'yes i tru' to one count of domestic violence and 1 count of intentional assault causing temporary injuries.

2. For your guilty pleas and admittance to the facts, I find you guilty of the two counts.

Facts

3. The brief facts are that on the 27th October, 2023, the complainant who was your de facto partner, who is a teacher at Erakor school, had gone to school as usual, when you went there and stood outside, calling her to come to you. When she refused, you got angry and walked into her classroom, where all her students were there with her, and you slapped her on her left side of her head in front of her students. You did not stop there, you then grabbed both of her hands and pushed her to the floor, and you then kicked her left ear. While she tried to get to her feet, you tore her shirt, as she tried to move away from you out of the classroom. The complainant further proceeded towards some people who were building a house close by, because she was afraid of you, when you followed her there and took a brick to throw at her, but was intervened

by one of the workers. The complainant was taken to the clinic with blood coming out of her ear from your assault upon her, and the matter was reported to the police.

4. A medical report and examination, and pictures were produced in evidence of your offending.

Starting Point

5. In sentencing you today, Mr. Bule there are certain factors that I need to consider, in respect to your offending, which will assist this court in giving an appropriate sentence for you. These are the aggravating factors, or things that make your offending very serious, and the mitigating factors, or things that make your offending less serious.

6. I find that there are no mitigating factors to your offending.

7. The accepted aggravating factors to your offending, Mr. Bule include:

- You used your hands and feet to cause the assault against the complainant.
- The assault was aimed at the complainant's vulnerable body parts, including her face and head.
- Your offending took place in front of the complainant's students, who are likely to be traumatized by the incident.
- Other community workers or people were around who witnessed your actions, showing you had lack of respect for others around you, or the complainant and her students, given her position at work at the time of your offending.
- Your offending was unprovoked.
- Temporary injuries were sustained by the complainant following your offending.



- The complainant victim was placed in a vulnerable position to your offending.

8. The maximum penalty for intentional assault causing injuries of temporary nature, is 5 years imprisonment. And for domestic violence offence it includes a prison term also of 5 years, or VT100, 000 or both fine and prison term.

9. Such maximum penalty reflects the seriousness of your offending.

10. Given the relevant factors, I set a global starting point of 18 months imprisonment for both counts of domestic violence and intentional assault, on concurrent basis, given the offences happened in one particular transaction or event.

Mitigating Factors and Guilty Plea

11. I take note of your guilty plea at the earliest available opportunity, and I award a one third deduction from the starting point.

12. Mr. Bule, you are a first-time offender with no prior convictions, and you are remorseful for your actions, and admitted your offending, as well as you cooperated well with the Police and for these, I award 2 months deduction.

13. I consider your personal factors, and 2 months is further deducted for these.

End Sentence and Orders with Suspension

14. Mr. Livu Bule your end sentence is 8 months concurrent imprisonment for the two counts of domestic violence and intentional assault.

15. In considering whether or not to suspend your sentence, I take note that you are 27 years of age, you are the sole bread winner to your immediate family, including your three children, as well as your extended family members.



16. In considering the circumstances of your case, and in particular your character, I will allow suspension of your sentence for a period of 1 year, wherein you are ordered to be of good behaviour, and not to further reoffend.
17. The consequences of reoffending within the period of your suspended sentence may result in the suspension being uplifted, and you will have to serve the 8 months concurrent sentence accordingly.
18. Within the period of your suspended sentence or thereafter, you are also ordered to perform a reconciliation ceremony to the complainant, and her students, to allow future peaceful relations between yourselves and other families and community members around you.
19. In addition to your suspended sentence, I order you, Mr. Bule, to undertake community work for both counts at 100 hours, within the 1-year period of your suspended sentence. For this you are to report to the Probation officer responsible, to assist you with your community work requirements.
20. This sentence serves as punishment from your wrong doing, as well as deterrence to yourself and like-minded offenders from committing similar offences.
21. The sentence is also necessary to give you a chance to rehabilitate and to continue to serve peacefully within the setting of your close relations, as well as the society at large.
22. This is your sentence Mr. Livu Bule, and it will be affective after 14 days period of appeal if you choose to appeal it.



DATED at Port Vila, this 4th day of December, 2023.

BY THE COURT



FSam

Magistrate

