

**IN THE MAGISTRATES COURT
OF THE REPUBLIC OF VANUATU**
(Criminal Jurisdiction)

**Criminal Case No.
1022/24MC/CRML**

PUBLIC PROSECUTOR

V

JUNIOR LONSDALE

*In Attendance: Ms. Sharon Allanson for the State
Ms. Akineti Yeeon for the defendant*

SENTENCE

A. Introduction

1. Mr. Junior Lonsdale pleaded guilty on the charge of domestic violence.
2. He is therefore convicted as charged.

B. Facts

3. The complainant is the defendant's defacto partner namely Vikina Welegtabit.
4. She filed a complaint in the Police Station at Sola in Vanualava Island alleging that on 11 February 2024 the defendant assaulted her when she confronted her over some money she had kept in her bag for one Father of the Anglican Church namely Febayan.
5. Upon confronting the defendant about the stolen money, she uttered abusive words to the following effect: "*Kanfes yu karem mane long basket blong mi from wanem, mane ia emi no blong mi be emi blong Father Febayan*".
6. The defendant was angered by this that he entered the house and demanded an explanation from the complainant as to why he uttered such abusive language at him.
7. The defendant then assaulted the complainant in front of their two sons.

8. The complainant took revenge and threw a portable speak at the defendant and it landed on his back.
9. This angered the defendant even more that he assaulted the complainant on her left eye and hit her on her jaw with a torch light.
10. The complainant sought medical assistance at Qatvaes hospital and the findings of the Nurse Practitioner revealed she sustained swollen left eye, constricted and damaged blood vessels and open wound in her neck area which required suturing with four stitches and an open cut in her left lower lid.
11. The defendant sought further eye examination in the Vila Central Hospital and the findings of the Examining Officer revealed she had bruised left eye.
12. The police arrested and cautioned on 13 February 2024 and to which he admitted his offending.

C. Sentence starting point

13. The maximum penalty of domestic violence is 5 years imprisonment or VT 100,000 fine or both fine and imprisonment.
14. There are no mitigating aspects of the offending. The aggravating factors are:
 - There was breach of trust.
 - Offending occurred in the confine of the complainant's home where she is entitled to feel safe and secure.
 - The complainant is considered vulnerable and was defenseless during the assault.
 - The multiple assaults on the body of the complainant.
 - Use of weapon to inflict harm on the body of the complainant.
15. In considering the aggravating factor, I set a starting point of 2 years imprisonment.

D. Deductions for Guilty Plea

16. The defendant pleaded guilty at first opportunity.
17. He is therefore entitled to one-third reduction of his starting sentence, which is 8 months.

E. Personal Factor

18. The defendant is 27 years of age.
19. He lives in a de facto relationship with the complainant and both raised two children.
20. He works as the Area Administrator on the Island of Vanualava.
21. He is a first time offender.
22. He expressed remorse for his actions.
23. He pleaded guilty at first given opportunity.
24. He cooperated with the Police during investigation.
25. He has apologized to the complainant and she to which she accepted it.
26. He has been remanded in custody for a period of 14 days.
27. For his personal factor, I make a further discount of 7 months.

F. End Sentence

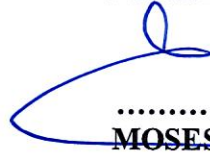
28. The sentencing principles achievable in this case amongst others expressed in *Public Prosecutor v Vahirua* [2018] VUSC 15 are to hold you accountable for your conduct, to denounce your criminal conduct, to protect the community, to promote sense of responsibility for the harm done and to assist in your rehabilitation and re-integration.
29. Taking into account all matters in relation to all matters aggravating and mitigation personal to your offending, the end sentence imposed on your offending is 9 months imprisonment.
30. However, I accept that your sentence be suspended for 2 years after taking into account the submissions by your counsel that you are a young person with responsibilities of financially sustaining your defacto partner and your two children through your employment as an Area Administrator.
31. This means you must not re-offend within 2 years.
32. If you reoffends again within 2 years, this suspended sentence will be lifted and he will serve 9 months imprisonment together with any other sentences imposed on you for your re-offending.
33. For completeness, I also order VT 20,000 and VT 2,000 prosecution cost to be paid in 30 days from today's date.

G. Appeal

34. You have 14 days to appeal to the Supreme Court if you are not satisfied with this sentence.

DATED at Luganville, this 8th day of May 2024

BY THE COURT


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MOSES PETER
Senior Magistrate

