

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

**Criminal Case No. 24/
3198MC/CRML**

PUBLIC PROSECUTOR

V

ALICK PIERRE

In Attendance:

Ms. Sharon Allanson for the State

Ms. Akineti Yeeon for the defendant

SENTENCE

A. Introduction

1. Mr. Alick Pierre pleaded guilty on the charges of domestic violence.
2. Conviction is therefore entered in respect of his guilty plea and in agreeing to the facts of the case.

A. Facts

3. The complainant is Annie Boevivil who is related to the defendant as a cousin.
4. The complainant and the defendant both lived next to each other at Solway Area in Santo.
5. She alleges that on 5 November 2023 at around 10.45 am, she went to a nearby shop at Solway area and while walking home, the defendant approached her and demanded her to buy him cigarettes. At the time, the defendant was drunk.
6. The complainant was terrified because the defendant was drunk so she run away.

7. The complainant then fell into in a muddy pool of water but the defendant sought after her and dragged her out of the mud to the side of the road.
8. The complainant screamed so loud that a woman came out to see what was happening.
9. The defendant saw the woman so he left the complainant and went away.
10. The defendant was arrested and when cautioned by the Police Officers, he admitted his offending.

B. Sentence Starting Point

11. The maximum penalty for domestic violence is VT 100,000 fine or 5 years imprisonment or both.
12. There are no mitigating aspect of the offending. The aggravating factors are:
 - There is a breach of trust
 - The defendant was under the influence of alcohol
 - The complainant is considered vulnerable and defenseless there is unable to protect herself.

13. In considering the aggravating factors, I set a starting point of VT 20,000 fine.

C. Deductions for Guilty Plea

14. The defendant pleaded guilty at first opportunity. He is therefore entitled to one-third reduction, which is VT 6.700.

D. Personal Factors

15. The defendant's personal information and factors mitigating to his offending are that:
 - He is 19 years of age and originates from Ambrym Island.
 - He live with his parents at Nabauku village East of Santo.
 - He earns an income through his work in building construction.
 - He supports his family financially through his employment.
 - He pleaded guilty to the offending at the earliest available opportunity.
 - He cooperated with the police during investigations.
 - He regretted his actions and admitted learning the lessons.
 - He has been remanded in custody for 5 weeks.
 - He has reconciled with the victim and gave her VT 5,000.

16. For his personal factor, I make a further deduction of VT 7,300.

End Sentence

17. 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 VT 6,000 fine and VT 2,000 as cost for the Prosecution.

18. You have 30 days from today to pay your fine and prosecution cost failing which, you will be dealt with by the Court accordingly.

19. This sentencing principles desired to be achieved in your sentencing (*Public Prosecutor v Vahirua* [2018] VUSC 15) are:

- To hold you accountable for your conduct
- To protect the community
- To denounce your criminal conduct
- To promote sense of responsibility for the harm done
- To assist you in your rehabilitation and reintegration

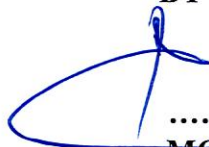
20. The Officer in charge of the Correctional Centre in Luganville is to release the defendant forthwith.

E. Appeal

21. The defendant has 14 days to appeal to the Supreme Court if he is dissatisfied with this sentence.

DATED at Luganville, this 13th day of September 2024

BY THE COURT



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MOSES PETER
Senior Magistrate

