

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

Case No. 23/2908 MC/PRIN

**PUBLIC PROSECUTOR**

**V**

**ANGELLA MABONE BULEBAN**

**Date of Sentence:** 05 April, 2024.

**Before:** Magistrate FSam

**In Attendance:** Mr. Massing\_K - OPP

Mrs. Markward\_M for Defence

**Defendant.**

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**SENTENCE**

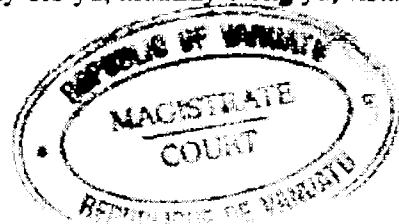
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**Introduction**

1. The defendant Angella Mabone Buleban is charged with 2 counts of Domestic Violence contrary to section 10(1) of the Family Protection Act of 2008.
2. Following amendments to an amended charge filed today by Prosecution, the defendant was re-arraigned and pled guilty to both counts against her.

**Facts**

3. Angella Mabone Buleban, you accepted the facts given by prosecution and admitted same, which I set out briefly as follows: - that on the 1<sup>st</sup> of October, 2023, you took a bottle of water (1.5 L bottle of water), and threw it against the back of your complainant husband's head, from which he cried out in pain. You then used verbal words against him to the effect "yu ko fakem daddy blo yu, mummy blong yu, sista blong yum o uncle blong yu".



4. A medical report was produced in evidence of some temporary injuries sustained following the assault you made on the complainant with the bottle of water.

5. Considering your admission and guilty pleas, I find you guilty of the two counts of domestic violence against you.

**Starting Point.**

6. I consider the aggravating factors and mitigating factors to your offending to decide on an appropriate starting point for your sentence. The maximum penalty for the offence of domestic violence is an imprisonment term of 5 years, or a fine of VT 100,000 or both fine and prison term. Such penalty reflects the seriousness of your offending.

7. The accepted aggravating factors to your offending are:

- You used a weapon, being a plastic of 1.5 L plastic bottle of water to assault the complainant's back of the head with, causing pain and swelling.
- That you committed the offences within the vicinity of your home, the very place where you and your complainant husband were supposed to be able to go through any challenges together and still find a way through it – however due to lack of self-control, you get cross easily when things do not work out the way you want, as in the current case, that led to your offending, because you disagree with an arrangement made by your complainant husband to meet with some pastors to sort out your domestic dispute.
- Your offending has resulted in a serious breach of Trust, not only between you and your husband, but also between you and your family members who were also present at the time of your offending, and were similarly affected with your complainant husband.
- Your offending happened in front of your grandchildren.



- You assaulted and swore at the complainant within the same night, showing lack of control and disrespect towards your complainant husband and family members.

8. There are no mitigating factors to your offending.

9. I take note of cases cited from both prosecution and defence, and whilst your offending is serious, the nature of offending is at a lower scale compared to the facts presented in most of cited cases, and given both counts resulted within one chain of event, I set a global starting point at 12 months for each count.

#### **Guilty Pleas**

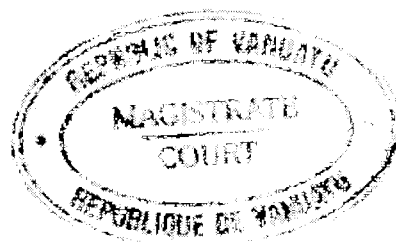
10. You were re-arraigned on an amended charge filed by Prosecution, to which you pled guilty. And given you tried to justify your offending with reasons of enduring hardship in your relationship with your complainant husband, this cannot be used as your defence or considered as one for that matter.

11. I therefore allow 25% deduction from your guilty plea instead.

12. For factors in mitigation on your behalf, I accept you are in your early 50's, and struggle to make ends meet, to support yourself and family members, you are remorseful of your actions, and you have no prior convictions. So I award 3 months deduction for these factors.

#### **End Sentence**

13. Having considered the relevant factors, I sentence you Mrs. Angella Mabone Buleban to an end sentence of 6 months imprisonment for each count to be served concurrently.



**Suspension & Orders**

14. I take note of your personal circumstances and necessary factors, and I allow suspension of your sentence for a period of 1 year.

15. You will not serve a prison term sentence, however, in any event, you commit any further offence within the period of your suspended sentence, the suspension will be uplifted and you will have to be sent to prison to serve your sentence.

16. You are further ordered as follows:

1) That you Angella Mabone Buleban, must remain of good behaviour throughout the period of your suspended sentence, or thereafter, this means you must not commit any further offence.

2) That you must make time to perform a reconciliation ceremony to the complainant victim and her family, to ensure there be peace between you all.

**Reason for Sentence & Right of Appeal**

3) Your sentence is given as a form of punishment for your wrong actions, as well as to deter you and likeminded offenders from committing similar offences.

4) Your sentence is also necessary to give you a chance to rehabilitate from your unlawful acts.

5) You have 14 days to appeal your sentence if you are not happy with it, and in the event, no appeal is lodged, your sentence should come into immediate effect thereafter.



DATED at Port Vila, this 08<sup>th</sup> April, 2024.

BY THE COURT



FSam  
Magistrate

