

PUBLIC PROSECUTOR

V

OBED ISAK KUWAI

Date of Sentence: 02nd December, 2024.

Before: Magistrate FSam

In Attendance: Ms Sewen_F - OPP

Mrs. Karu_K – Defence & Defendant.

VERDICT & SENTENCE

Background/Introduction

1. Mr. Obed Isak Kuwai you are charged with 2 counts of Domestic Violence contrary to sections and 4(1) (b (e), and 10 of the Family Protection Act of 2008.
2. You pled 'yes hemi tru' to both counts, and admitted the facts as presented by prosecution.
3. Consequently, you are found guilty of both counts of domestic violence.

Facts

4. The facts in relation to your offending are, as to count 1, that sometimes between 1st and 30th June 2024, you were angry with your complainant father over a namambe tree, and threatened him to cut him with a knife, and as to count 2, on the 7th of October, 2024, you were angry with your complainant step mother over some words spoken against you, that you reacted out of anger and threatened her also by saying he will cut her and family members with a knife.



Starting Point.

5. 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.

6. The accepted aggravating factors to your offending are:

- Your offending happened within the confinement of the complainants' own home where they were supposed to feel safe and protected, and wherefrom your actions upon them resulted in a breach of trust between yourself and the complainants.
- The complainants were vulnerable to your offending against them.
- You used a knife (weapon) to carry out your offending.

7. There are no mitigating factors to your offending.

8. I set a global starting point of 12 months imprisonment for both charges given the related crimes

Guilty Pleas

9. You entered a guilty plea at the earliest available opportunity, from which I award a one third deduction from the starting point.

10. For factors in mitigation and personal to you, 2 months is further deducted.

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11. You have spent 1 month and 14 days in pre-custody and further deduction is awarded in your favour.

End Sentence

12. Your end sentence therefore is 4 months prison term for each count of domestic violence against you, to be served concurrently.

Suspension & Orders

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

14. 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.

15. Therefore, you are ordered to be of good behaviour throughout the suspended period of your sentence.

Reason for Sentence & Right of Appeal

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

2) 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 02 December, 2024.

BY THE COURT



FSam
Magistrate

