

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

Case No. 23/2608 MC/CRMN

PUBLIC PROSECUTOR

V

NIGEL TAVUTI

Date of Sentence: 25 April, 2024.
Before: Magistrate FSam
In Attendance: Ms Lunabek_L- OPP
Mr. Ture_K for Defence
Defendant.

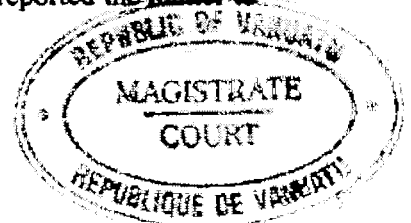
SENTENCE

Background/Introduction

1. The defendant Nigel Tavuti is charged with 1 count of Domestic Violence contrary to section 10(1) and 4(1) (a) of the Family Protection Act of 2008.
2. He pled "yes i tru" to the charge and upon admitting the facts, he was found guilty by this court.

Facts

3. The facts in relation to your offending is that on the 25th of June, 2021, at around 1:00 a.m. you arrived home and started arguing with your complainant spouse then, for not having prepared your dinner for you, and in the event, you assaulted her left eye with your hands, causing it to swell and you then kicked her with your leg, on her back and belly. She alleged that you have assaulted her many times before in the relationship, and fearing for her safety from further harm, she reported the matter to the police, hence this case before us.



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

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 your home then, where the complainant was supposed to feel protected and loved.
- The complainant was vulnerable to your assault upon her.
- Your offending was unprovoked.
- The complainant suffered injuries from your illegal actions.

7. There are no mitigating factors to your offending.

8. I take note of the cases cited by both prosecution and defence, and while the offending in each case is similar in nature, the circumstances towards or surround the offending is different in each cases compared to the one before us.

9. And given the relevant factors, I set a starting point of 2 years imprisonment.



Guilty Pleas

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

11. For factors in mitigation and personal to you, 4 months is deducted. For the reconciliation performed, I deduct further 4 months.

End Sentence

12. Your end sentence therefore is 8 months prison term for the charge of domestic violence against you.

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.

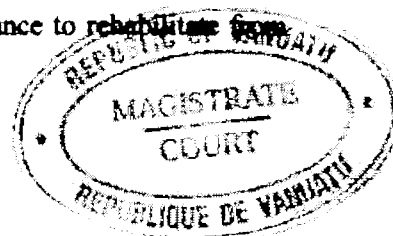
14. You will not serve a prison term sentence, however, in any event, you commit any further offence within the period of your suspended sentence, the suspension will be uplifted and you will have to be sent to prison to serve your sentence.

15. You are further ordered to undergo supervision, by registering and undertaking anger management courses with the relevant probation authorities. Such supervision order should take effect and be completed within 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 likeminded offenders from committing similar offences.

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



3) 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 25th April, 2024.

BY THE COURT



**FSam
Magistrate**

