

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

Case No. 24/1388 MC/PRIN

PUBLIC PROSECUTOR

V

LOA KALMET

Date of Sentence: 17th July, 2024.
Before: Magistrate FSam
In Attendance: Ms. Tasso_M- OPP
Mr. Kapala_W - Defence & Defendant.

SENTENCE

Background/Introduction

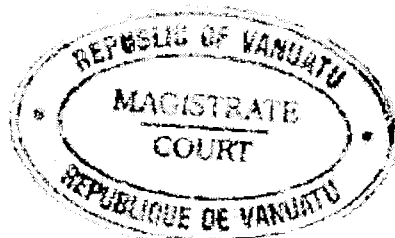
1. The defendant Loa Kalmet was initially charged with 2 counts against him - 1 count of Domestic Violence, and 1 count of Threats to kill, however, by an application from the prosecution, the count in relation to threats to kill was withdrawn leaving only count 1 of domestic violence, and of which he pled 'yes i tru' to today.

2. Having no objection to the facts as submitted and his guilty plea, the defendant is found guilty of the charge of domestic violence against him.

Facts

3. The facts in relation to his offending is that on the 04th of May, 2024, the complainant had questioned her defendant husband of his drinking when he then assaulted her by punching her on her head and on her left hand.

Starting Point.



4. Loa Kalmet, in considering an appropriate sentence in respect of your offending, I must consider the relevant factors which includes the aggravating factors and mitigating factors to your offending.

5. 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. From the facts and submissions, I accept the following as 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 happened in front of your children and other family members.
- Your offending resulted in a breach of trust between yourself and the complainant.

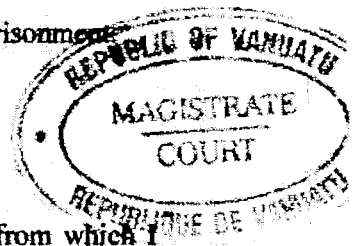
7. There are no mitigating factors to your offending.

8. And having so considered, I set a starting point of 18 months imprisonment.

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 leaving a balance of 12 months from the starting point.

10. For factors in mitigation and personal to you, I accept that you have reconciled and are now peacefully cohabiting with the complainant and your children, and this is



a sign of realization of your wrong doing and remorse on your part, however this does not excuse you from the action of domestic violence you had committed upon your complainant wife.

11. I allow a 4-months deduction for these factors.

End Sentence

12. Loa Kalmet, your end sentence therefore is 8 months prison term for the count 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. Therefore, you are ordered to be of good behaviour throughout the suspended period of your sentence, that you do not commit any further offences, and that you maintain peace at all times with your family including your partner and child in the relationship.

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 yourself from any further unlawful actions after this.



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 17th July, 2024.

BY THE COURT



**FSam
Magistrate**

