

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

**Criminal Case No. 09 of 2009**

**PUBLIC PROSECUTOR**

**-V-**

**SORCIE NOAL**

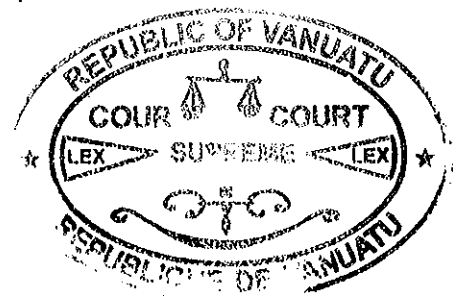
*Coram: Justice N. R. DAWSON*

*Date of Sentencing: 18<sup>th</sup> June, 2010*

*Counsel: Mr. G. Takau for Public Prosecutor  
Mr. J. Kausiama for Accused*

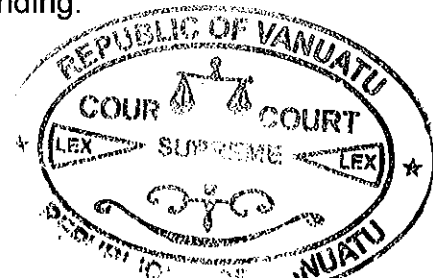
**SENTENCE**

1. Mr. Noal you appear in Court today for sentencing on a charge of intentional homicide.
2. On or about 20<sup>th</sup> December, 2008 you killed a 14 year old boy who lived with his parents in the Blacksands area. That victim was attending Vila North School and sold Daily Post newspapers every weekend. Early in the morning of 20<sup>th</sup> December, 2008 the victim went on his way to sell Daily Post newspapers for that day. You had been at a dance the night before and went home at about 4:30 am on 20<sup>th</sup> December, 2008. While walking home you met the young victim near a kava bar. You took the victim firmly by the hand and took him down a path and went into a bush area where you killed that young boy. On your own evidence you hit the young boy on the back of head with a manioc branch and when he fell you took his shirt and tied it around his face, blocking his mouth. You also grabbed the young boys head very tightly and twisted it, causing his neck to break. In your police statement you say that you heard the young boy's neck crack and saw his eyes roll back. You then carried the body of that young boy to another place near a benoa tree



where you laid him down, covered him with some grass and also placed a heavy stone on top of his chest. You then went home to sleep.

3. Mr. Noal I have read the submissions filed on your behalf by defence counsel along with the submissions by the prosecution and also the Probation Report. In sentencing you it is necessary to hold you accountable for the harm that you caused. Your actions ended the life of a defenceless and innocent 14 year old boy who should have had a good and fulfilling life to look forward to. You have destroyed the happiness of that young boy's family by taking his life. It is necessary for me to denounce your behaviour. Your actions were abhorrent. It is necessary for me to impose a sentence that will act as a deterrent and sent a message to you and any other like minded person that crimes of this nature in our community will not be tolerated. Your sentence needs to reflect the gravity and the seriousness of your offending.
  
4. There are aggravating factors that I need to take into account when I sentence you. The first aggravating factor is that you used a weapon and you hit the victim on the head with a manioc branch. What is perhaps even more chilling is that you were able to manually twist the neck of a young boy until it broke. There was a substantial degree of cruelty in your offending. Your actions were senseless, they were cruel and were without any apparent motive whatsoever. You killed a young boy simply because you could. The victim was vulnerable, he was young and he was alone and you took advantage of that.
  
5. In mitigation you are presently 18 years of age and were 17 years of age at the time of the offence. You also have no previous convictions on your record. The Probation Report assesses your motivation to change as moderate and your risk of re-offending is assessed as being high. You have not performed any custom ceremony to the defendant's family and you are not willing to do so because you say you did nothing wrong. You say you feel sorry for the victim but you continue to deny that you have committed the offence and you have shown no insight into your offending.



6. An appropriate starting point for this offending would be a sentence of imprisonment of 7 years. I have to then take into account the aggravating factors I have mentioned and it is appropriate to increase your sentence into a term of imprisonment of 10 years. I then take into account the mitigating factors of your age and not having had any previous offences on your record in mitigation and convict and sentence you to a term of imprisonment of 8 years. You were held in custody from 21<sup>st</sup> December, 2008 until today, 18<sup>th</sup> June, 2010. You therefore a required to serve the balance of your sentence of 7 years 6 months and 2 days from today's date.
  
7. You have the right to appeal this sentence. For any appeal you must lodge a notice of appeal within 14 days of today's date.

**Dated at Port Vila, this 18<sup>th</sup> day of June, 2010**

**BY THE COURT**

