

PUBLIC PROSECUTOR

-v-

NOLAN ALBERT

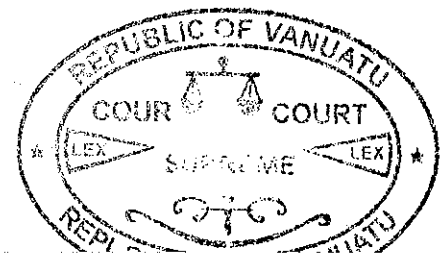
Coram: *V. Lunabek- CJ*

Counsels: *Ms Micheline Tasso for Public Prosecutor
Ms Kylie Bakeo for the Defendant*

Date of Delivery: *18th August 2017*

SENTENCE


1. Mr Nolan Albert, you are charged with one count of intentional assault, contrary to s.107 (b) of Penal Code Act. On 2 August 2017, you entered a guilty plea to that count.
2. The complainant Mr Manoah Kalotiti lodged a complaint against you and Mr Obed Kalwatman on 25 April 2017 for that offence of intentional assault in Count 1 of the information. Mr Obed Kalwatman pleaded not guilty to that count and will be separately tried. You are sentenced today.
3. On 14th April 2017 at around 3.00am at Pango village in the surf side area, you and the co-accused were intoxicated with alcohol. The complainant was also intoxicated with alcohol at that time.
4. You saw the complainant coming out from a car.
5. You approached the complainant and started a conversation with him which lead to a fight.



6. You assaulted the complainant on his head.
7. I read the pre-sentence report. I read and consider the prosecution submissions. I also read and consider the submissions made by your lawyer on your behalf.
8. I sentence you to 12 months imprisonment.
9. In mitigation, I reduce your sentence of 12 months by one third to reflect your guilty plea given at the earliest opportunity by the Court.
10. I reduce your sentence further by 3 months for the fact you are a first time offender, you are remorseful, you are cooperated with the police.
11. The balance of your sentence is 5 months imprisonment. I consider the nature of your offending and the circumstances of your offending, I decide to suspend your sentence of 5 months imprisonment for a period of 1 year.
12. In addition, I order you to perform 50 hours community work.
13. You have 14 days to appeal this sentence if you are unsatisfied with it.

DATED at Port Vila, this 18th day of August, 2017

BY THE COURT



V. LUNABEK
Chief Justice

