

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

Criminal
Case No. 17/2274 SC/CRML

PUBLIC PROSECUTOR

V

HAIEGOSPIN WILLIAM

Date of Sentence: 3rd day of November, 2017 at 9:00 AM

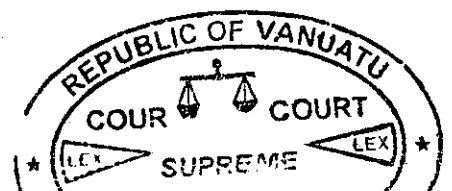
Before: David Chetwynd

In Attendance: Mr Simcha Blessing for Public Prosecutor

Ms Kylie Bakeo for Defendant

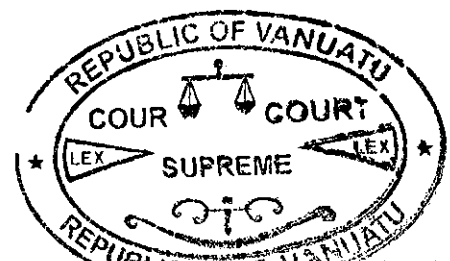
SENTENCE

1. The defendants Haiegospin William has entered pleas of guilty to a number of offences. He was charged with 3 counts of threats to kill, 2 counts of malicious damage, 1 count of domestic violence, 1 count of endangering public transport and 1 count of reckless driving.
2. This string of offences started in 2015 when the defendant started to verbally abuse his parents and threaten them. His offending was obviously linked to his misuse of alcohol. When his parents implored him to stop drinking or if they refused to give him money for alcohol he would be abusive and damaged property inside the 2 houses owned by his parents. There were several incidents involving the defendant threatening to kill his mother.
3. Matters came to a head in July 2017. The defendant arrived home drunk. He picked up a knife and said he would kill her and then kill himself.
4. The next day the defendant was drunk again. He came home and asked for money. When this was refused he became very angry. He took his fathers' keys, got into the bus and drove off. His father followed him and saw the defendant was driving very fast without any lights and on the wrong side of



the road. He was eventually stopped and persuaded to go home. He was arrested on the 5th July and interviewed under caution. He made full admission to the police.

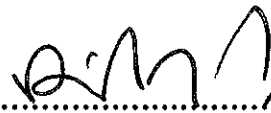
5. The defendant has no previous convictions and has clearly been remorseful. He has been involved in a custom ceremony where he apologized to his parents. He has entered pleas of guilty at the earliest opportunity. He is also fortunate in that he has loving and forgiving parents who want him to be part of the family again. I have no doubt they will support him but he does need more help with his alcohol abuse.
6. Looking at the offending I will treat it as a course of offending whilst under the influence of alcohol and quite probably cannabis. This does not lessen the culpability of the defendant but does explain his behaviour.
7. There are 3 counts of making threats to kill. The most serious of them was when he threatened to kill his mother and then himself whilst he was armed with a knife. This was a very serious offence. Taking into account the aggravating factors of who he threatened and his drunkenness the appropriate sentence is 5 years imprisonment. The other two occasions did not involve any weapons. They will attract sentence of 3 years. All sentences will be served concurrently. For the domestic violence offence the defendant will be sentenced to 18 months imprisonment. For the offences of malicious damage the sentence will be 5 months imprisonment on each charge. In respect of the driving offences, the defendant will be sentenced to 6 months imprisonment on each count. As all the sentences are to be served concurrently the defendant faces 5 years in prison.
8. As indicated, he has no previous convictions and has apologized in public to his parents. His sentence will be reduced by 6 months in each of those mitigating factors. That will leave a sentence of 4 years. He is entitled to time served of 8 months. That will leave a balance of 3 years and 4 months (40 months). As a result of his early guilty pleas his sentence will be reduced by a full 1/3 or 13 months. The balance of his sentence is 27 months.



9. As a result of the support that his family is prepared to give him I am prepared to suspend his sentence. The offending was no doubt linked to his drinking and if he stops drinking he will stop offending. The sentence of 27 months will be suspended for a period of 3 years. He will receive a sentence of 12 months supervision and will undertake the Niufala Rod Program and receive counselling on alcohol and drug abuse. He will be disqualified from driving for a period of 12 months as well.
10. The defendant was informed in Court that he has a right of appeal as regards this sentence and that he has 14 days in which to lodge any appeal.

DATED at Port Vila this 7th day of November, 2017.

BY THE COURT


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David Chetwynd | ★
Judge

