

**PUBLIC PROSECUTOR**

**V**

**RAYMOND PAKOA**

*Date of Sentence: 6<sup>th</sup> day of July, 2018 at 9:00 AM*

*Before: Justice David Chetwynd*

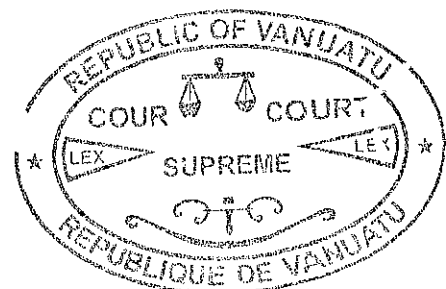
*Counsel: Mrs Bertha Pakoasongi for Public Prosecutor  
Ms Pauline Kalwatman for Defendant*

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**SENTENCE**

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1. Raymond Pakoa has been found guilty of the premeditated and intentional homicide of his partner Flora Jerry. This is considered to be the most serious offence under the criminal law and the maximum sentence is life imprisonment.
2. The facts as found following trial are that the defendant attacked the victim from the rear. He stabbed her several times with a kitchen knife. One of the wounds was to the victim's neck and another to her chest. Either of those blows would have caused her death. I found that they were delivered deliberately and with considerable force. I did not accept, and do not accept, they were delivered in anger and without premeditation.
3. I did accept that Ms Flora's murder was not the result of long term and detailed planning but the defendant had it in mind to stab his victim to death before he actually followed her from the house and did so.



4. The recent case of Marap<sup>1</sup> has guidance in respect of finite sentences imposed for premeditated intentional homicide. In that case the Court said;

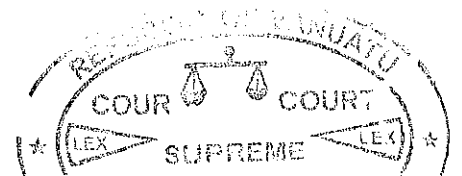
*“After conviction for premeditated homicide if the sentencing Judge concludes a finite sentence of imprisonment is appropriate then we consider the start sentence should generally be at least 20 years imprisonment. This will reflect the maximum sentence in unpremeditated homicide (S.106 (1) (a)).”*

5. In accordance with that guidance I should consider whether a finite sentence is appropriate and if it is then I should impose a sentence greater than 20 years.
6. Looking at the circumstances of the case, the deliberate nature of the attack and the defendant leaving the scene without any attempt at helping the victim, I am of the view a finite sentence is required and it should be one of 25 years.
7. There is nothing particularly aggravating in the defendant’s personal circumstances although it has to be acknowledged that he has used a knife to attack a previous partner and there was a history of violence in the relationship. There is very little that can be said by way mitigation either.
8. The defendant has no previous conviction and has taken part in a reconciliation ceremony. I will reduce the sentence by 2 years to 23 years. The final step in the Andy<sup>2</sup> process is take into account any guilty plea. There is none in this case the defendant was convicted following trial.
9. The end sentence to be served by the defendant is 23 years.
10. Given the nature of the offending consideration of suspending any part of the sentence.

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<sup>1</sup> Public Prosecutor v Marap and Others [2018] VUCA7; Criminal Appeal Case No. 21 of 2017 (23 February 2018)

<sup>2</sup> Public Prosecutor v Andy [2011] VUCA 11; Criminal Appeal Case No. 9 of 2010 (8 April 2011)



11. The defendant is entitled to appeal both his conviction and his sentence. He has 14 days from today in which to do so. I believe an appeal has already been lodged.

**DATED at Port Vila this 6<sup>th</sup> day of July, 2018.**

**BY THE COURT**

.....*DA*.....

**David Chetwynd**

**Judge**

