

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

Criminal
Case No. 21/862 SC/CRML

BETWEEN: Public Prosecutor

AND: John Weman

Date: 22nd April 2021
By: Justice G.A. Andrée Wiltens
Counsel: Mr D Boe for the Public Prosecutor
Mr R Willie for the Defendant

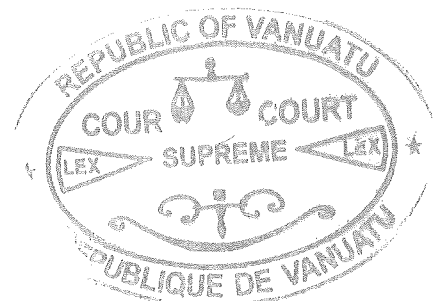
SENTENCE

A. Introduction

1. Mr Weman pleaded guilty to intentional homicide. He accepted as correct the summary of facts and was accordingly convicted.

B. Facts

2. Mr Weman and Roselyn Weting were a married couple from the village of Dolop on Gaua Island. They had been married for 15 years prior to this incident.
3. On 25 November 2020 there was an argument between them. Mr Weman attacked Roselyn Weting to her stomach with a bush knife. The medical report states that Roselyn Weting died as a result of penetrating stab wounds.
4. There were 3 deeply penetrating stab wounds to her abdomen. That caused massive internal bleeding. Despite extensive medical and surgical interventions, the stab wounds led to her death in less than 48 hours. The pathologist's report indicates that acute kidney failure due to hypovolemia and septic shock was the cause of death. That was caused by the stab wounds.
5. When interviewed, Mr Weman fully admitted his offending.



C. Sentence Start Point

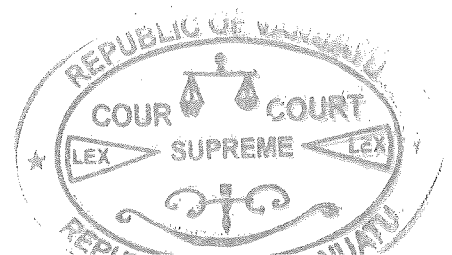
6. The sentence start point is assessed by having regard to the maximum penalty available for this offence and factoring in the mitigating and aggravating aspects of the offending.
7. The maximum sentence for intentional homicide is a term of 20 years imprisonment.
8. There are no mitigating aspects to this offending. The aggravating aspects include the following:
 - the unprovoked nature of attack;
 - the use of a lethal weapon, a bush knife, against an unarmed female;
 - the number of blows struck, which totals 5 in all;
 - the breach of trust; and
 - the fact the offending occurred in the family home where Roselyn Weting should have been safe.
9. The sentence start point that I adopt is a term of 11 years imprisonment.

D. Mitigation

10. Mr Weman pleaded guilty at the first available opportunity. That indicates an acknowledgement by him of his wrong-doing, and it has saved Court time and expense. I do not consider, regarding the number of blows struck, that the plea reflects true remorse. For his prompt plea I reduce the sentence start point by 25%.
11. Mr Weman is 34, with 5 children now dependent on him. He is a chief in the community with no previous convictions.
12. He operates a boat and deals in copra and kava to sustain his family.
13. There has been no custom reconciliation ceremony, but he has been fined heavily by his community. He indicates that he will pay the fine in due course.
14. For Mr Weman's personal factors I further reduce the sentence start point by 3 months. I note he professes regret and remorse but the PSR writer considered his explanation for the offending to be minimising and justifying his offending. In my view 5 distinct and separate blows with a bush knife are not a reflection of his wife merely swearing at him.


E. End Sentence

15. The end sentence I impose is 8 years imprisonment. It is to run from 2 December 2020.
16. The sentence cannot be suspended. The seriousness and the nature of the offending militate against that.



17. Mr Weman has 14 days to appeal the sentence if he disagrees with it.

Dated at Luganville, this 22nd day of April 2021
BY THE COURT


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Justice G.A. Andrée Wiltens

