



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

Criminal  
Case No. 22/1096 SC/CRML

**PUBLIC PROSECUTOR**  
**V**  
**SAMSON KONPIKON**

**Coram:** *Hon. Chief Justice V. Lunabek*

**Counsel:** *Mrs Betina N. Malsolip for the State*  
*Mr Francis Tasso for the Defendant*

**Date of Plea:** *07 June 2022*  
**Date of Sentence:** *08 July 2022*

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**SENTENCE**

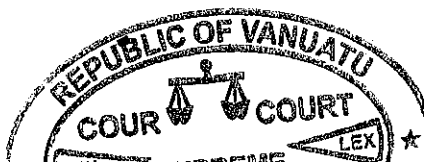
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**A. Introduction**

1. Mr Samson Konpikon, you appear for sentencing today having pleaded guilty and convicted by this Court of the offences of threats to kill a person and domestic violence, contrary to Section 115 of the Penal Code and Section 4(1)(a) of the Family Protection Act, respectively.
2. Threats to kill a person is punishable by a maximum sentence (penalty) of 15 years imprisonment.
3. Domestic violence is punishable by imprisonment not exceeding 5 years or a fine not exceeding VT100,000 or to both.

**B. Facts**

4. The complainant in this case is your partner. You both were defacto partners who lived together at Freshwota 6 in Port Vila. You have lived together for the 5 years until 2018 at the time of the incident. You both have one daughter who was 11 months old at the offending.
5. The offending occurred on 28<sup>th</sup> April 2018 at your place of residence at Freshwota 6 area.
6. The offending occurred after some tension between you both from the night before. Your defacto wife in her report to the police said that on the night of 27<sup>th</sup> April she has put her phone on the



charger when you asked her to charge your phone using the same charger. She responded saying that her phone is still charging and that you will have to wait for her phone to charge before you use the phone charger.

7. You got angry at the victim and would not talk to her until the next morning on the 28<sup>th</sup> April 2018. Around 11:00am on 28<sup>th</sup> April, you were prepared to go to work. You came to the door but noticed that your flip-flop was not there and you asked your partner (victim) where it was. She was inside the house and she responded and told you that the flip-flop was just at the door.
8. Immediately after her response you came back into the house and grabbed the clean cloths and threw them onto the bed where the baby was lying. After that you went into the sitting room and punched your wife on her head, backside and her rib and then kicked her again on the rib. She felt a lot of pain and tried to run out of the house but you held on to her shirt and tore it including her bra. She took a calico to cover her but you removed it from her and she was left standing with only her pants on. At that point your relatives begged you to stop assaulting her but you responded saying these words "yufala ileko hem, mi les blong luk face blong woman ya long haos blong mi. today me mas kilim hem ided bae ino save luk tumoro" (You leave her alone, I'm tired of seeing her face in my house, today I must kill her so she will not see tomorrow).
9. One of your neighbors gave your wife a yellow shirt to cover her body, but you broke the shirt again. She ran into the neighbor's house but you followed her and assaulted her inside the house despite the fact that the neighbor was also trying to stop you from assaulting your wife. When you finally stopped, your wife was told to go straight to the police and make a report against you.
10. You were later arrested and you admitted all the allegations against you.

**C. Sentence start point**

11. I record again that the maximum sentence for threat to kill a person is 15 years imprisonment and the maximum penalty for domestic violence is 5 years imprisonment or a fine not exceeding VT100,000 or both. These maximum sentences reflect the seriousness of these offendings.
12. In view of the seriousness and culpability of the offending and the comparable case authorities herein, *Public Prosecutor v Walker [2007] VUSC 63* and *Walker v Public Prosecutor [2007] VUCA 12* and others, I set a start point sentence of 3 years imprisonment for threats to kill as the head offence and 2 years imprisonment for the domestic violence.

**D. Personal Aggravating and Mitigating factors to the offending**

13. In this case, the following personal aggravating factors of the offending are present:

(a) The offending occurred at home, a place where the victims should feel safe at all time;



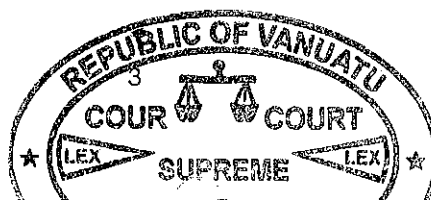
- (b) There is a serious breach of trust. The complainant (defacto wife) is in a relationship with you, Samson Konpikon, as her defacto husband and expected to be cared for by you. You grossly failed to do so;
  - (c) Your offending caused embarrassment and ridicule to your wife (victim) when you broke her shirt and bra and she was shirtless in front of bystanders and neighbors who are watching;
  - (d) The pain the victim had to endure during and after the assaults of punching the head and the body, kicking the ribs twice.
14. In view of these personal aggravating factors to the offending, I uplift the initial sentence start point to 4 years imprisonment for threats to kill a person and 3 years imprisonment for domestic violence.

**E. Mitigating factors**

15. I take into account that Mr Konpikon, you pleaded guilty at the first opportunity given to you. Your sentence of 4 years will be reduced by 25% and your sentence of 3 years will also be reduced by 25%.
16. You admitted your offending and cooperated with the police. You had expressed insight and remorse for your offending. You had performed a reconciliation with the victim and her family. Your respective sentences are reduced further by 2 months on both offending.
17. This offending occurred in 2018 which is a delay of 4 years to prosecute the case. I allow another 2 months deduction to reflect this delay on both respective sentences.

**F. End Sentence**

18. Your end sentence is 2 years and 8 months imprisonment for threats to kill a person and 1 year and 11 months for domestic violence, and that both will run concurrently. This means that you shall serve your sentences all together at once. Your effective total terms of imprisonment is 2 years and 8 months imprisonment.
19. I consider whether the circumstances of the offending justify that I suspend your end sentence of 2 years and 8 months. I decline to do so in the present case for the following reasons:
- (a) This end sentence of a fixed terms imprisonment reflect, the seriousness of the offending;



- (b) It denounces your offending and is a deterrent to others committing these offences.
20. Your terms of imprisonment of 2 years and 8 months shall be effective immediately.
21. Mr Konpikon, you have 14 days to appeal against this sentence if you are unsatisfied with it.

**Dated at Port Vila, this 8<sup>th</sup> day of July 2022**

**BY THE COURT**

  
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**Vincent LUNABEK**  
**Chief Justice**

