

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

**Criminal
Case No. 22/2959 SC/CRML**

BETWEEN: Public Prosecutor

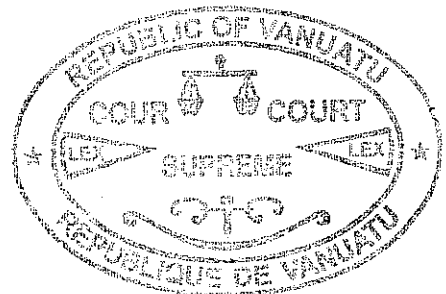
AND: Billy Mahit
Accused

Date of Sentence: *22nd day of September, 2023*
Before: *Justice E.P. Goldsbrough*

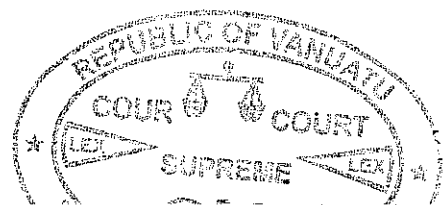
In Attendance: *Karae, T for Public Prosecutor*
Karu, K for Defence

SENTENCE

1. Billy Mahit pleaded guilty to one offence of Domestic Violence, contrary to section 4 (a) and section 10 of the Family Protection Act 2008. The offence was committed on 5 August 2022 when he assaulted his wife by punching her on her ribs and chest.
2. The assault followed Billy Mahit's outburst on discovering that his dinner had not been prepared and cooked as he expected. In addition to the assault, there were angry words used directed at his wife, in language unsuitable for children to hear. The children both heard and saw this crime as it was committed against their mother.
3. The guilty plea was a long time coming. At first, on 1 December 2022, a Not Guilty plea was entered. It was only just before a scheduled trial in September 2023 that he entered a guilty plea to this single charge.
4. The offence did not involve any weapon, just punches with a bare hand or hands and no injury was sustained.



5. The maximum penalty for this offence is five years imprisonment. That, taken with factors which aggravate this particular offence, assists the Court in determining a starting point for the right sentence for this offence. The aggravating features of this offence are few. In submissions, the prosecution suggests many, but most of the suggested features of aggravation are part of the offence. When something happens within a family, as here, there is always some breach of trust, and people are vulnerable to it. That the accused was angry is also usually part of the offence as well. There are but a few incidents of domestic violence in which the offender is not angry.
6. A starting point of nine months imprisonment is set.
7. The eventual guilty plea, and it is inaccurate as the defence did in submission to suggest that the guilty plea was entered at the first plea date, it was only entered on 7 September 2023, entitles the defendant to some credit although not the full possible credit of 33%. There has been no customary reconciliation, although he was taken into custody and when released, the victim had moved out of the former family home and her whereabouts were not known to him. He did spend thirty days in pre-sentence custody, effectively a sentence of two months imprisonment. He has no previous convictions.
8. A reduction of 15% is given for his guilty plea, and a further 5% for his previous good character and work ethic. He is entitled to be credited with time spent on remand which results in two months being taken off his end sentence. Seven months with 20% taken from it leaves just over five- and one-half months. That sentence, of twenty-two weeks imprisonment is suspended for eighteen months.
9. Imprisonment, even suspended, is indicated here because of the seriousness of the offence itself. Suspension is considered right because he has not been in trouble before or since, is looking after a child and has good prospects of rehabilitation provided that he can keep his anger in check.
10. Billy Mahit you are sentenced to twenty-two weeks imprisonment suspended for eighteen months for this offence of domestic violence. The terms of your



suspended sentence are explained to you as is your right of appeal within 14 days from today.

DATED at Port Vila this 22nd day of September, 2023

BY THE COURT

E.P. Goldsbrough

E.P. Goldsbrough

Judge of the Supreme Court

