

IN THE MAGISTRATE'S COURT AT SAVUSAVU
CRIMINAL JURISDICTION

Criminal Case No. 95 of 2016

STATE

v

OLIVER WHIPPY

Counsels : **WCPL Lani** for the Prosecution
Accused in person

Sentence : **25 May 2018**

SENTENCE

1. Oliver Whippy today is for sentencing for the offence of *Assault Causing Actual Bodily Harm*.
2. On 14 October 2016, you waived your rights to counsel. On the same day you pleaded guilty to the charge on your own free will. I find your plea to be unequivocal.
3. The brief summary of facts are:-
"On 20 March 2016, at about 3.30pm, the accused, Oliver Whippy went to the house of Melaia Haynes, as he wanted to talk to her. An argument arose where the accused assaulted the victim by choking her neck and punched her twice and

when she fell to the ground ~~the~~ accused kicked her. The victim received injuries to her head, stomach, and back."

4. You admitted to the above summary of facts on 11 October 2016, and convicted as charged. You submitted oral mitigation on the same day.
5. The maximum penalty for *Assault Causing Actual Bodily Harm* is 5 years imprisonment. The tariff is from suspended sentence to 9 months imprisonment. For domestic violence case, sentence between 9 to 18 months imprisonment.
6. You have 6 active previous convictions where 3 are for the same offence as in the present case.
7. Today you are being sentence in *criminal case no. 93 of 2016* to 1 year, 7 months, and 2 weeks imprisonment. That sentence is far above the tariff for the present offence. In light of your sentence in the aforementioned case, I imposed 9 months as your sentence for this case.
8. Oliver Whippy, I now sentence you to 9 months imprisonment to be served concurrently with your sentence in Criminal case No. 93 of 2016.
9. Since the accused is not present today, I will pronounce the sentence in absence of the accused. The sentence to run from the date accused is arrested.

28 days to appeal



C. M. Tuberi
RESIDENT MAGISTRATE

