

**BETWEEN: Public Prosecutor
Claimant**

**AND: Willie Folo
Defendant**

Date of Plea: Tuesday 25th day of April, 2017 at 9:46 am

*Before: Justice Tomson Andrew (Presiding Justice)
Justice Allan Boblang (Member)
Justice Harry Joshua (Member)*

Island Court Clerk: Alida Tchivi

*In the Presence of : Claimant– Public Prosecutor
Defendant– Willie Folo*

JUDGMENT

Introduction:

The defendant Mr. Willie Folo is charged with one count of Careless Driving contrary to section 14 of the Road Traffic Act Cap 29. At the first calling of the case, Mr. Folo pleaded guilty to the said charge.

Verdict:

The court had recorded a plea of guilty and having heard and considered the summary of the agreed facts presented by the prosecution; this Court hereby convicts the accused as charged under section 14 of the Road Traffic Act Cap 29.

Sentence:

Having heard Miss Charley for the prosecution and having heard the accused, the Court considers the following as mitigating as well as aggravating factors:

- a. Mitigating factors.
 - The accused has pleaded guilty at the earliest opportunity;
 - The accused has been cooperative with the police since the day he was arrested;
 - The accused has no previous convictions in Vanuatu;
- b. Aggravating factors.



The Law:

The Road Traffic Act Cap 29 – Section 14 - Careless Driving reads “*A person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road shall be guilty of an offence and liable on conviction to a fine not exceeding VT50,000 or to imprisonment for a term not exceeding 6 months or to both.*”

The Court is satisfied and hereby, makes the orders that:

1. Mr. Willie Folo to pay 3'000 vatu as Efate Island Court Fine and 2'000 vatu as Public Prosecution Cost;
2. All payment to be made directly to Vanuatu Government Cashier and payment due date is Tuesday 9th May, 2017 at 4:30pm in the noon;
3. In default of Orders 1 & 2 the defendant will be immediately arrested and brought before the Court;
4. The defendant reserves the right to appeal within 30 days of the date of these orders.

DATED at Port Vila this 25th day of April, 2017.

BY THE COURT



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Justice Harry Joshua
(Member)

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Justice Tomson Andrew
(Presiding Justice)

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Justice Allan Boblang
(Member)