

PUBLIC PROSECUTOR

V

AMOS TANKON

In Attendance:

Ms. Sharon Allanson for the State

Ms. Akineti Yeeon for the defendant

SENTENCE

A. Introduction

1. Mr. Amos Tankon pleaded guilty on the charges of furnishing false name and address to the police and obtaining money by false pretense against different complainants on money value as follows:

- Count 1- VT 35,000
- Count 2- VT 50,000
- Count 3- VT 100,000
- Count 4- VT 50,000
- Count 5- VT 10,000
- Count 6- VT 165,000

2. Conviction is therefore entered in respect of your guilty plea and in agreeing to the facts of the case.

A. Facts

3. The First complainant is Saikon Sikoma who works as a driver for the Malampa Provincial Government in Lakatoro, Malekula.

4. He alleges that on two different occasions with first being on 17 April 2024, the defendant met him and introduced himself as an employee of a non-government organization dealing with people with disability.
5. The defendant told the complainant that organization belong to his sister who is married to an English man and that he had gone to Malekula to establish its office.
6. The complainant then told the defendant he has a disabled brother and to which the defendant followed the complainant to his house and took photographs of the complainant's disabled brother including his house.
7. The defendant then told the complainant that he could facilitate funding to assist his brother in building a proper house but that the complainant must give him some funds in order to arrange shipment of the building materials to Malekula.
8. The complainant then give the defendant VT 35,000 on 17 April 2024 and again on 26 April 2024, he gave the defendant VT 50,000
9. The defendant took the money and did not do as promised but convert it into his personal use (Count 1 and 2).
10. The second Complainant is Bob Welevu. He operates his family business in Malekula as a bus driver while his wife operates a food stall.
11. On 29 April 2024 as he was driving his bus service within the precinct of Lakatoro area, the defendant waved him down and got into his bus and told him to take him to Norsup.
12. On their way, the defendant introduced himself to the complainant and said he work for a non-government organization dealing with people with disability and that they are setting up their office soon in Malekula.
13. The defendant also said the organization is owned by his sister who is married to an English man and that they could engage the complainant as their driver once their office is set up in Malekula.
14. Moreover, the defendant told the complainant that he has a vehicle he could give to him if he would agree to pay for the vehicle registration fees and the costs for its shipment to Malekula from Port Vila.
15. At the time, the complainant believed in the defendant's lies and upon the defendant's request, he gave the defendant VT 100,000 (Count 3).
16. On 30 April 2024, at the defendant's request, the Complainant gave him VT 50,000 as the initial payment was not enough to accommodate vehicle registration and shipment costs (Count 4).
17. On 3 May 2024, the defendant further induced the complainant to give him VT 10,000 as he promised him he would receive substantial amount of money from the non-government organization (Count 5).
18. On 6 May 2024 on the same excuse as count 3, the defendant obtained VT 165, 000 from the complainant (Count 6).
19. On 15 May 2024, the Police approached the defendant after receiving a complaint from the complainant and the defendant lied to the police officers that his name was Jeremy Garae and that he is from the Island of Santo (Count 7).
20. The defendants was arrested and when cautioned by the Police Officers, he admitted his offending.

B. Sentence Starting Point

21. The maximum penalty for obtaining money by deceptions is 10 years imprisonment and for person furnishing false name and address- VT 10,000 fine or 6 months imprisonment or both.
22. There are no mitigating aspect of the offending. The aggravating factors are:
 - There is a degree of planning involved.
 - There was recurrence of the same type of offending in a span of one month.
 - There was a deliberate use of other person's identity without his consent.
 - There was substantial loss of the complainant's hard-earned money.
 - There were multiple victims who suffered loss as a result of the defendant's offending.
23. In considering the aggravating factors, I set a starting point in a global scale of 18 months imprisonment.

C. Deductions for Guilty Plea

24. The defendant pleaded guilty at first opportunity. He is therefore entitled to one-third reduction, which is 6 months.

D. Personal Factors

25. The defendant's personal information and factors mitigating to his offending are that:
 - He is 41 years of age and originates from Ambrym Island.
 - He is married to his wife who is from Malekula Island and both raised five children.
 - He works in multiples jobs as a builder, driver and a farmer.
 - He pleaded guilty to the offending at the earliest available opportunity.
 - He cooperated with the police during investigations.
 - He expressed remorse for his actions and promised to refund the complainant's money should the Court orders so.
 - He regretted his actions and admitted learning the lessons.
 - His family depended on him for maintenance and support.
26. For his personal factor, I make a further deduction of 6 months.

End Sentence

27. Taking into account all matters in relation to all matters aggravating and mitigation personal to your offending, the end sentence imposed on your offending is 6 months imprisonment.
28. I note from the court record concerning your pre-custodial period information whereby have spent 3 months and 11 days in custody.
29. I therefore had the considerate view of the case of *Public Prosecutor v Sale* [2016] VUSC 83 where the Court considered the equivalence of pre custodial term and the custodial term with regard to parole eligibility of the defendant.
30. I am therefore satisfied that your pre custodial sentencing terms are suffice to have appropriately punish you for your offending.
31. While you are now free to go, I also make an order for restitution to recover monies obtained from the complainants pursuant to section 58ZD of the Penal Code in total sum of VT 85,000 for first complainant and VT 325,000 for second complainant.
32. You have 3 months from today to return such funds to each of the complainants failing which you will be arrested and detained in prison for 5 months.
33. The Officer in charge of the Correctional Center in Luganville, is to release the defendant forthwith.
34. This sentencing principles desired to be achieved in your sentencing (*Public Prosecutor v Vahirua* [2018] VUSC 15) are:
 - To hold you accountable for your conduct
 - To protect the community
 - To denounce your criminal conduct
 - To promote sense of responsibility for the harm done
 - To assist you in your rehabilitation and reintegration

E. Appeal

35. The defendants have 14 days to appeal to the Supreme Court if they are dissatisfied with this sentence.

DATED at Luganville, this 29th day of August 2024

BY THE COURT



.....
MOSES PETER
Senior Magistrate

