

72
IN THE SUPREME COURT
OF THE REPUBLIC OF VANUATU
(Criminal Jurisdiction)

CRC 28-2003

Criminal Case No.28 of 2003

PUBLIC PROSECUTOR
-v-
GEORGE CHARLEY

SENTENCE

I give you credit for your guilty plea and the fact you admitted the matter completely to the police. That has saved a lot of time and costs and also distress to the complainants.

I accept you have had steady employment. You have a steady relationship of 5 years, and a 3 year old child. You didn't think of them when doing this. Your wife is pregnant, although she must only have become pregnant at the time of these offences.

You knew what you were doing when you went in that home. I accept you checked to see no-one was there. You went to the safe. This suggests you had information and went looking for something specific.

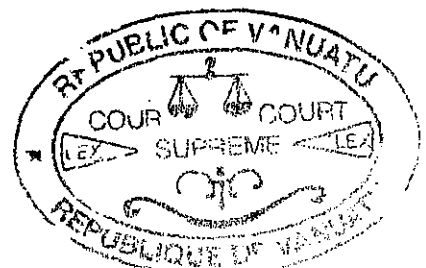
You spent nearly all the money on a drunken and womanising spree. You gave a little to relatives and family.

I accept the foreign currency was recovered, although that would be harder to deal with. Your offer to repay, but there is no real prospect of repayment.

You may have a drink problem but that cannot mitigate offences of this sort. There are two important features.

1. Your record
2. The killing of the cat.

1. Your record is one of persistently committing offences over 10 years, many are Unlawful Entry and Theft.



The Court has tried fines, suspended sentences and prison, yet you still commit offences.

The last longest sentence was one of 2 ½ years. That was suspended. It is not clear what happened to that. I don't sentence for that. The plain fact is your record is bad for Unlawful Entry and theft.

2. You say the killing of the cat was a momentary reaction. You stamped on its head and left it for dead. The sight of that loved pet caused much upset to its owner. That was not part of any Unlawful Entry and theft. It was a nasty act.

Giving credit for the plea of guilty and admissions and all the other mitigation I sentence as follow:-

1. Unlawful Entry - 4 years
2. Theft - 4 years concurrent
3. Cruelty - 1 year consecutive. This is a separate act and cannot be concurrent. I cannot suspend.

Total - 5 years imprisonment to run from 22nd April 2003.

Dated at Port Vila, this 11th day of July 2003.


R. J. COVENTRY
Judge.

