

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

Criminal Case No. 43 of 2010

PUBLIC PROSECUTOR
V
STEFANSON STEFAN ATANASOV

Coram: Chief Justice
Counsel: Mr. L. Tevi for the Prosecution
Mr. N. Morrison for the Defence

SENTENCE

1. Mr. Stefanson Stefan Atanasov, you appear today for your sentence. On 24 May 2010, you entered a guilty plea on one Count of Counterfeit Currency, Contrary to Section 142 (c) of the Penal Code Act [CAP 135].

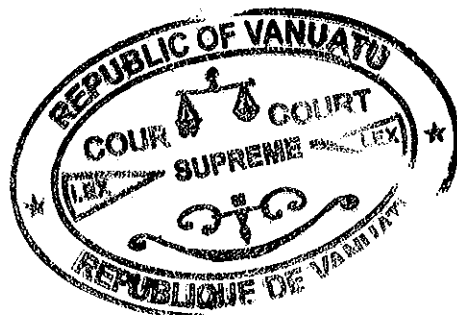
Section 142 (c) Prohibits Counterfeit Currency in this way.

"142. No person shall

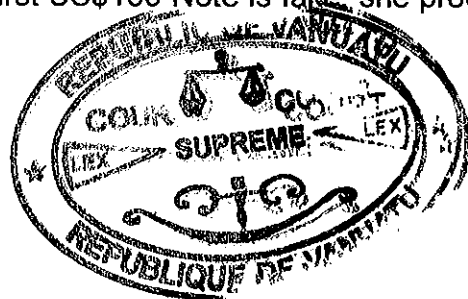
(c) Knowingly utter any such counterfeit or debased coin or bank note;

Penalty: imprisonment for 15 years.

2. This offence is a serious offence as reflected by the maximum penalty imposed by law.
3. Mr. Stefanson, you are originally from Pleven in Bulgaria, Eastern Europe. You are 27 years old as of 31st May 2010. You have a sister and you have a good relationship with your others family members. While you are in Vanuatu you still contact your family back in Bulgaria. You have a girlfriend, Ms Marinela who is now five month pregnant and you are planning to get married to her as soon as you return to Bulgaria.



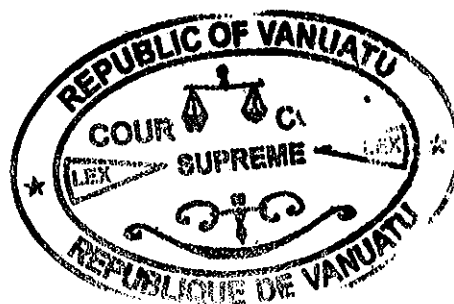
4. You travelled to Vanuatu to spend a few days of work as you had previously learnt that Vanuatu is a tourist destination and that a lot of people love to travel to, so you made arrangements to travel to Vanuatu to spend your holiday here. As the facts of your offending show, you arrived in Vanuatu on 31 March 2010 as a visitor from New Caledonia.
5. At about 2:42 pm on the afternoon of that day you went to Le Lagoon Hotel and Resort and partly paid for a room there. You only spent a night at the Hotel and you then left.
6. The next day, you went to Kaviti Hotel and approached a staff member at that time inquiring about their rates and then left.
7. You then went to City Lodge and found an affordable room. You checked in and went and leave your bags in the room. After some minutes later you went outside the City Lodge and went your way.
8. At about 10:30 am to 11 am on that day, you entered into the Bred Bank. You had worn a yellow t-shirt with round neck and hang on your body was a small grey bag. You went to the Foreign Currency teller and ask for the rate of exchanging United States of America Dollar (herein called the "US Dollar") to Vatu. You asked the teller to use a calculator and you used the calculator and then return the calculator and also handed the teller some US Dollars. You at that time presented to the Bred Bank Teller US\$2300.00 in 23 x 100 US Dollar Notes.
9. As soon as the Bred Bank teller received the US dollars, the teller felt that the US Bank Notes or dollars given to her where not genuine. The Bred Bank teller stated that the real US Dollar note is smooth but the ones given to her by you are rough or not smooth like the real ones.
10. After that the Bred Bank teller took a Counterfeit Detector pen and mark the first US\$100 note. When she made a mark on one of the US\$2300.00 notes given to her, she notice that the mark she drew has gone and it shows that the US\$100 note is fake and is not a real US Dollar Note. She stated that if the pen mark stays on the US Dollar Note the result would be that the US Dollar Note is genuine.
11. After she had marked the first US\$100 Notes of the US\$2300.00 given to the Bred Bank teller and found out that the first US\$100 Note is fake, she proceeded



A handwritten signature in black ink, consisting of a stylized, cursive script.

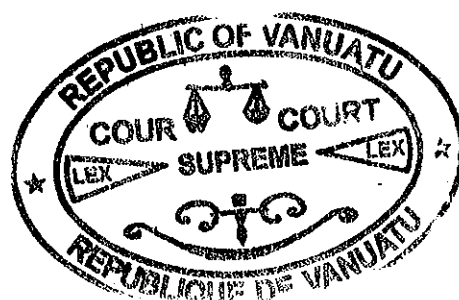
to feel the other US Dollars presented to her, but she could feel the same as the first US Dollar, so she asked you to wait for her while she went to consult with her Supervisor. She showed her supervisor what she had discovered, and her Supervisor asked her to get your details or identification. She went back to her teller and asked you to provide to her your identification.

12. You then gave her your Passport in which she went and photocopy your details on that passport and return the passport to your. She also asked you your recent address, as to where you sleep but because you did not speak proper English it was hard to understand you and so you used your mobile phone to call someone. While you were speaking on the mobile phone, she continued to mark the US Dollars presented to her by you with the Counterfeit Detector Pen and she found out that the US Dollars she went through are all fake. While she was still marking the remaining US Dollars, you spoke to her and she gave a Bred Bank Slip to you where you wrote your name and the place you leave. She told you to wait again, and she took the US Dollars to her Supervisor to photocopy them. While she was still in the Customer Service Area, you came out off the Bred Bank and went your way along the Sea Wall towards the market.
13. The details in your Passport presented to the Bred Bank teller are – a Finland Passport with the name-“Anderson Tomas”. The Bred Banks Officers then informed the Police of their findings.
14. The Police after being informed went around Hotels and found you in your room at City Lodge. They search for evidence in the room and then arrested you and brought you to Port Vila Police Station and detained you in Cell 6. During their investigation they had asked the Bred Bank officers involved in this case identifying you and they had done so in stating that you were the person seen at the Bred Bank presenting fake US\$2300.00. The Police also took photos of you to the Hotels you went to, to identify you.
15. During the Police search of you on 1 April 2010, they had found a Passport with the following details – Republic of Bulgaria, Name – “Stefanov Stefan Atanasov”.
16. On 13 April 2010, a preliminary interview was conducted between you and the Police with the assistance of United States Secret Agent in which you stated to have admitted presenting the US\$2300.00 at Bred Bank under the name Anderson Tomas.



A handwritten signature in black ink, consisting of a series of loops and a long, sweeping tail that extends upwards and to the right.

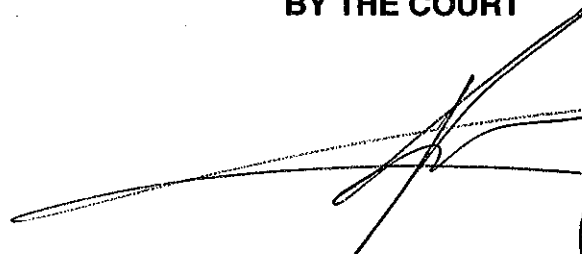
17. On 14 April 2010, full interview was conducted to which you were present with a lawyer and an interpreter to which you were advised to not comment to the questions concerning the offending but had provided answers to questions about your details.
18. I have read and heard submissions from the prosecution lawyer and your defence Lawyer. I have also read the Probation report filed on your behalf. When I consider and assess the sentence I am going to impose on you, I need to denounce on behalf of the Court your behavior. The offence of counterfeit currency is one of the most serious crime of dishonesty which is prohibited by the laws of Vanuatu. It carries a maximum penalty of 15 years imprisonment. As I mention at the earlier stage of your sentencing, Parliament of this country intended to treat this offence very seriously. There is no doubt that its serious translates the intention of Parliament to preserve confidence on the Vanuatu's currency.
19. I need to impose a sentence that will serve as deterrent to you and others and to convert a message to people who come to Vanuatu as tourists or local people residing or living in Vanuatu from trying to make and use forged bank notes. If the sentence I impose is unduly lenient there will be no deterrence and confidence in this Country's currency will be eroded and that is a most serious consequence. In this case, your sentence needs to reflect the gravity of your offending.
20. In mitigation, you are a first time offender, upon you arrest, you immediately and totaling cooperate with the police authority, you also enter a guilty plea at the first opportunity given to you by the Court.
21. Your offending was stopped before the fake US dollars 2, 300 were used in Vanuatu. As such I am informed there was no victim of your offending.
22. You are a foreigner from very different social background attending in Vanuatu. You were imprisoned for 3 months. At the beginning you have no contact to communicate with your family but the situation has quickly changed and you were able to contact your family after 1 month. You have some difficulties to communicate in English language. However I am informed you are a model detainee and you have improved your English language and you now communicate better.



23. The appropriate sentence must be a custodial sentence. The starting point of your sentence is 3 years imprisonment. There is a degree of aggravation in the amount of the fake notes of the US 2300. The aggravation includes also the fact that you have tried to use a name other than your own name when you presented fake US Dollars 2300.00 at the Bred Bank. I increase the sentence to 1 year to reflect the aggravating features.
24. I then balance the aggravating factor I just mention with the mitigating factors referred to above and I sentence you to 2 years imprisonment; you have already spent 3 months in custody. This will be deducted to your imprisonment term.
25. I consider whether I should suspend your sentence of 2 years imprisonment. I am satisfied that your personal circumstance warrant a suspension of your 2 years imprisonment in part.
26. I therefore order that you serve 18 months with immediate effect and the other 12 remaining months will be suspended and you should be on good behavior.
27. You have 14 days to appeal this sentence if you are unsatisfied with it.
28. I further Direct that the Registrar of the Supreme Court in liaison with the Public Prosecution's Office urgently set a date and time to destroy the fake US notes of US 2300 seized from the Defendant Stefanson Stefan Atanasov with sworn statements of the destruction filed in the Supreme Court as evidence of the destruction of these fake US\$2300.00.

Dated at Port Vila, this 2nd of July, 2010

BY THE COURT



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Vincent LUNABEK
Chief Justice

