

PUBLIC PROSECUTOR

V

ANTOINETTE TARI

Trial: 26 July 2012
Before: Justice Robert Spear
Appearances: Simcha Blessing for the State
Jacob Kausiama for the Accused

CONVICTION AND SENTENCE

Justice Robert Spear
26 July 2012

1. Antoinette Tari was to stand trial today on three counts of forgery to which she had previously pleaded not guilty. She had pleaded guilty to one associated count of theft.
2. At the commencement of this trial, the defendant asked to be re-arraigned on counts 2, 3 and 4 and pleaded guilty to each of those charges. She is now convicted on Count 2, 3 and 4 in accordance with her pleas.
3. A summary of facts has been presented to the Court and no issue is taken with it by the defendant. It explains that she was employed by the Department of Geology and Mines as a project manager from about 1999 through to the time she was suspended in 2004. One of her responsibilities was to manage the account in respect of rural water supply and, in particular, arranging for payment to contractors.
4. In May 2003, the defendant created a fictitious invoice in the name of her brother for a charge of Vt 255,000 supposedly for transportation charges in respect of the supply

of materials for the Vanafo water supply project. She raised a Local Purchase Order (LPO) for that amount and forged the signature of her Director on that LPO.

5. When the cheque was issued by the Reserve Bank on 4 June 2003, the defendant then forged her brother's signature on the back of it effectively enabling her to deposit the cheque into her own bank account.
6. This forgery was detected during the course of an audit of the Department in July 2005.
7. The defendant was initially suspended and eventually dismissed from her employment with the Department of Geology and Mines.
8. I am informed that she has now repaid the full amount.
9. What remains is the issue of an appropriate sentence to be imposed on Antoinette Tari for her dishonesty. I am informed that she now has another job and it is accepted by Mr Blessing that she is not someone who is likely to come again to the attention of the courts.
10. The defendant has no previous convictions.
11. Her pleas of guilty both on the third of April 2012 and subsequently today has meant that the State has not been put to the expense of a trial.
12. Mr Blessing accepts that this matter can appropriately be dealt with now by way of sentence of community service. The offending is not so serious as to warrant consideration of a term of imprisonment (suspended or not) nor is there any need for supervision. This was a poorly thought out, indeed quite amateurish, attempt to defraud the State which was likely to be detected; as indeed was the case. It appears that there was no real attempt by the defendant to cover her tracks given that the funds were deposited in to her own bank account.

13. Mr Kausiama urges me to deal her by way of community based sentence which submission has the support of Mr Blessing.
14. I agree that this matter can be dealt with by sentence of community work. It certainly appears that the defendant has learnt her lesson and learnt it well. She lost her job and she has repaid all the money that she stole.
15. If there had been more than one defalcation, or it was for a greater amount, I would have been required to give closer attention to a sentence of imprisonment. While there are four charges, they relate essentially to the four components of the same dishonest act.
16. Antoinette Tari, you are sentenced on all four charges to 300 hours community work. You are to report to the Supreme Court office by 3pm today for service of that order.
17. You have 14 days to appeal this sentence if you do not accept it.

BY THE COURT

A handwritten signature in black ink, appearing to read 'Alfred J.', is written below the text 'BY THE COURT'. The signature is cursive and stylized.