

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

Criminal Case No. 116 of 2012

PUBLIC PROSECUTOR

V

JEAN YVES SHEM
MATHIAS PAKOA

Coram: Judge Aru

Counsels: Mr D. Boe for the Public Prosecutor
Mr. H. Vira for the Defendant

SENTENCE

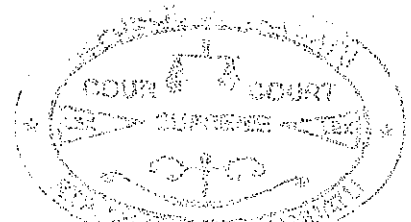
1. Jean Yves Shem and Mathias Pakoa you both appear today for sentencing in this matter.
2. You were both charged with 3 Counts of offences under the Penal Code [CAP 135] which are as follows :

Count 1 - malicious damage to property contrary to s. 133

Count 2 - unlawful entry dwelling house contrary to s. 143

Count 3 - theft contrary to s. 125 a).

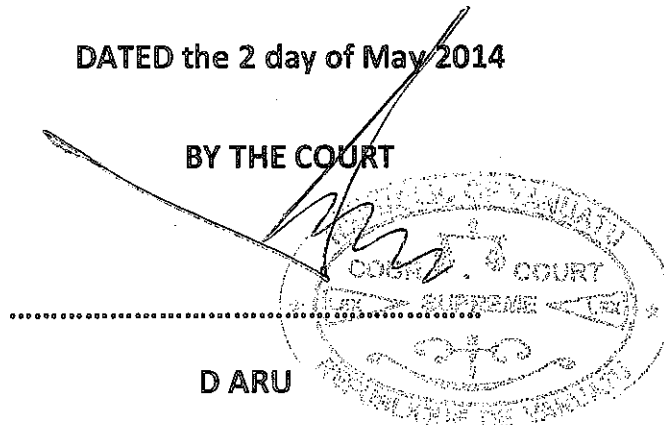
3. On 8 April 2013 a nolle prosequi was entered for count 1 in respect of Mathias Pakoa and upon being re arraigned you both entered guilty pleas to the charges. The brief facts of your offending which are conceded by Mr Molbaleh on your behalf are that on 12 May 2012 the Complainant made a formal complaint to the Police that around 2.00 am in the morning some unknown persons broke the lock to his premises at the War Horse Saloon and entered the property. They stole alcoholic drinks, 5 replica western pistols and 1 replica rifle. Upon your arrest, you admitted the offending to the Police.



4. In sentencing you today I have taken into account the submissions made by the Prosecution and Mr. Molbaleh on your behalf. I have also considered the pre-sentence report.
5. The lead offence in this case is theft which carries a maximum penalty of 12 years imprisonment. Your offending is serious as you intended to enter the Complainant's property without his permission and took property that did not belong to you. As a starting point I sentence you to 1 year 6 months imprisonment. Your offending is further aggravated by the fact that the offences were committed at night under cover of darkness therefore your sentence is increased to 2 years and 6 months imprisonment.
6. For your late guilty pleas I deduct 6 months. Taking into account the fact that you are both young men and already serving custodial sentences, I deduct a further 6 months leaving you with an end sentence of 1 year 6 months imprisonment. For Jean Yves Shem your sentence is to be consecutive on the last sentence of 2 years imprisonment imposed on you on 30 April 2014 in Criminal Case 111 of 2013.
7. For Mathias Pakoa your sentence is to be consecutive on the last sentence of 4 years imprisonment imposed on you on 27 July 2010 in Criminal Case No. 36 of 2010.
8. Each of you has 14 days to appeal this decision if you are not happy with it.

DATED the 2 day of May 2014

BY THE COURT



D ARU

Judge