

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

**Criminal Case No. 16/3326 SC/CRML
Criminal Case No. 15/744 SC/ CRML**

PUBLIC PROSECUTOR v. WILFRED TAFDEY & SIMON KOR

Before: *Justice Oliver A. Saksak*

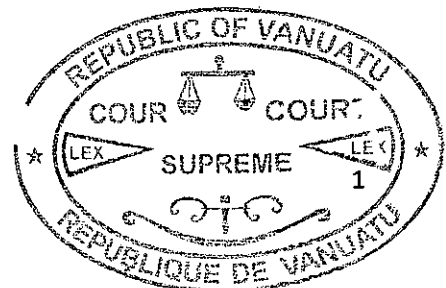
Counsel: *Simcha Blessing for the State
Roger Tevi for the Defendant (Wilfred Tafdey)*

Date of Plea: *25 November 2016*

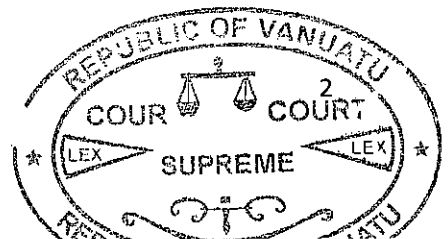
Date of Sentence: *22 December 2016*

SENTENCE

1. Wilfred Tafdey, you are for sentence today for having pleaded guilty to 4 counts of Obtaining Money by Deception contrary to Section 130 B of the Penal Code Act CAP 135 (the Act). This is an offence carrying a maximum penalty of 12 years imprisonment.
2. The relevant facts which you accept are that in 2008-
 - (a) at Luganville, Santo you obtained moneys from Katurin Leo in the sum of VT503,300;
 - (b) also at Luganville, you obtained moneys from Josiane Tabiaga in the sum of VT200,000;
 - (c) at Lenakel, Tanna you took money from Bob Lava the sum of VT500,000; and
 - (d) from January 2013 and 14 November 2014 you obtained moneys from Johnny Lava in the sum of VT1,612,000.
3. You have not accounted for all these moneys.
4. These offences were committed over a period of 6 years from 2008. They were repeated. They were obtained with false promises and hope that they would yield returns in Millions of vatus. These were just blatant lies used to rob people of their hard earned money. It appears from the facts that you were part of a scheme which was infact a scam, obtaining money for the benefit of others within or out of Vanuatu.
5. The circumstances of your repeated offendings are such that the only appropriate sentence the Court will impose is to be a custodial sentence with a starting sentence of 3 years imprisonment for each 4 counts to be served concurrently. There will be no uplift. This sentence is to deter you and other likeminded people from repeating these offences and to mark the seriousness of your offendings.



6. I note there has not been any pre-sentence report submitted by the Probation Service as directed. That will now be dispensed with.
7. But in assessing sentence, I have taken into account the written submissions filed by Mr Tevi on your behalf on 19 December 2016. The Court will follow the sentencing guidelines in the cases of PP v. Tarimiala [2013] VUSC 213; PP v. Metsan [2012] VUSC 263 and PP v. Nirahambat [2010] VUSC 80.
8. The Prosecution had not filed any written submissions at the date of formulating this sentence. They filed late submissions at 9.15am today.
9. In my view you are entitled to reductions of sentence for the following mitigating factors-
 - (a) For guilty pleas – 1/3 reduction equivalent to 12 months is deducted from the initial sentence of 3 years, leaving the balance of sentence to be 2 years imprisonment.
 - (b) For clean past, good cooperation with the police and remorse, a further deduction of 10 months, leaving the balance at 14 months or 1 year and 2 months.
10. I have taken into account your other personal particulars such as medical condition, family circumstances and the offer, assurances and pleas made on your behalf by Philimon Ishmael to repay all the moneys you obtained, and come to the view that your end sentence of 14 months should be suspended for a period of 2 years under the provision of Section 57 of the Act. This means that you must not take money again from any body and/or commit any other offence for which you would be charged and convicted. If you do, you will go to prison immediately to serve your 14 months imprisonment term.
11. In view of the seriousness of your offendings and to achieve a deterrence effect, the Court further and in addition to your suspended term of imprisonment imposes a community work sentence under Sections 58 N, 58 P and 58 Q of the Act.
12. You are therefore further sentenced to perform 150 hours of Community Service within 12 months from the date of this sentence.
13. You must report to the Probation Officer as soon as practicable, not later than 72 hours after this sentence for further advice and instructions in relation to your Community Service Order.
14. You are hereby ordered to repay all the moneys you took being the sum of VT2,620,300 within 12 months from the date of this sentence commencing January 2017 and ending 31 December 2017. All payments must be made to the Court at Lakatoro.
15. You are to be released from custody today. The other defendant Simon Kor will be dealt with separately at a later stage.



16. That is the Sentence of the Court. You have a right of appeal against this Sentence if you do not agree with it.

DATED at Port Vila this 22nd day of December, 2016.

BY THE COURT

.....*[Signature]*.....

OLIVER A. SAKSA

Judge

