

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

**Criminal
Case No. 17/1221 SC/CRML**

PUBLIC PROSECUTOR

V

ATANAS JAMES ALI

KELWET JOELY

Date of Sentence: 3rd day of November, 2017 at 9:00 AM

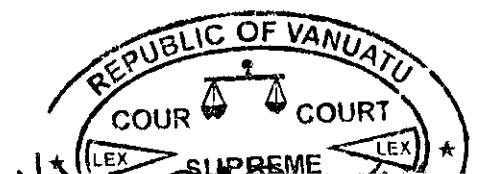
Before: David Chetwynd

In Attendance: Ms Marie Taiki for Public Prosecutor

Ms Kylie Bakeo for Defendants

SENTENCE

1. The two defendants before me are Kelwet Joely and Atanas James Ali. Their co-accused Tchawie Wabayat and Remo Misak have already been dealt with by the Court (Judge Geoghegan written reasons dated 4th August 2017). The two before the Court today did not appear and warrants were issued. Kelwet Joely turned herself in but Mr Ali was arrested. He has spent some time in custody.
2. There is no reason why these two defendants should be treated any differently than their co-accused. They are no more or less culpable than their co-accused.
3. The facts of offending are no different for these two defendants than they were for the co-accused. Ali broke into the store with Wabayat and stole the items subject to the charge. Joel acted as look out along with Misak.
4. Judge Geoghegan sentenced Misak to 12 months imprisonment. The sentence was suspended for a period of 2 years. He was given a 12 months supervision order and directed to carry out 130 hours community work. That is the sentence that will be handed down to Kelwet Joely. She is sentenced to 12 months

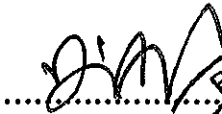


imprisonment suspended for 2 years. She will be supervised for 12 months and will do unpaid work for the commencing amounting to 130 hours.

5. Wabayat was sentenced to 16 months imprisonment suspended two years in order to reflect his more archive part in the offending. In addition to 12 months supervision he was ordered to do 150 hours unpaid work in the community.
6. Atanas James Ali will be sentenced to 15 ½ months imprisonment. The reduction of ½ month is to take account of the time served following the execution of the warrant. I have done so because it is just believable he was not aware of previous Court dates. His sentence will be suspended for 12 months and carry out 150 hours unpaid work in the community.
7. Both defendants will undertake the Niufala Rod Program and also receive alcohol and drug awareness programs, counselling with their Pastors and Chiefs.
8. The defendants are reminded of their right to appeal these sentences if they are dissatisfied. They have 14 days in which to do so.

DATED at Port Vila this 7th day of November, 2017.

BY THE COURT


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David Chety
Judge

