

PUBLIC PROSECUTOR

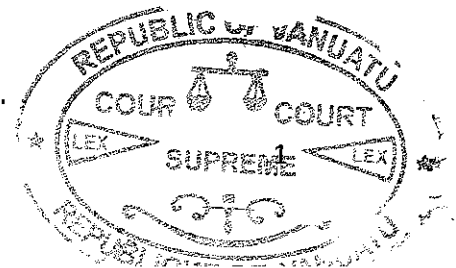
v

JELINDA MINIE RIHAI

Date: 13 October 2023
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Ms M. Meltebury
Defendant – Mrs C. Dehinavanua

SENTENCE

1. The Defendant Jelinda Minie Rihai pleaded guilty to theft. Ms Rihai is convicted on her own plea and the admitted facts.
2. On 4 July 2022, Ms Rihai and her relative Sovi Madan who both live at Unmak village in the north-west of Malekula went to a shop to buy phone credit. Ms Rihai saw that Ms Madan's NBV ATM card had fallen, picked it up and hid it. She travelled to Lakatoro area and used it to withdraw a total of VT38,000 from Ms Madan's bank account and used the cash for her own use including on a mobile phone, rice, food, phone credit, groceries and transport. Ms Rihai knew Ms Madan's PIN number as she had previously helped Ms Madan withdraw cash from an ATM machine.
3. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.
4. The maximum sentence prescribed in the *Penal Code* [CAP. 135] is 12 years imprisonment (theft - s. 125(a)).
5. The offending is aggravated by the abuse of the complainant's trust. On the other hand, Ms Rihai has completely refunded the VT38,000 taken.
6. The appropriate sentence start point is 3 months imprisonment.



7. A guilty plea was entered at the first opportunity. This demonstrates remorse. Accordingly, one third is deducted from the sentence start point.
8. Ms Rihai was 17 years old at the time of the offending, with no previous convictions. She cooperated with the Police and immediately admitted her offending. She has performed a custom reconciliation ceremony with the complainant involving VT2,000 in addition to refunding the VT38,000 taken. She was remanded in custody for 24 hours, equivalent to 2 days imprisonment. I further reduce the sentence by another month for Ms Rihai's personal factors including her youth and immaturity.
9. Taking all matters into account, the end sentence imposed is 1 month imprisonment.
10. In the circumstances of this case particularly Ms Rihai's prompt guilty plea, admissions to the Police, her youth and immaturity, reparation and strong prospects of rehabilitation, I consider that Ms Rihai's chances of reform and rehabilitation are better served by keeping her out of custody, I therefore suspend her sentence for 1 year.
11. Ms Rihai is warned that if she offends again within the next 1 year, she will be required to serve the sentence imposed today in addition to any other penalty that may be imposed on her for the further offending. I trust that Ms Rihai will make the most of the opportunity given her today for her future and choose not to participate in criminal conduct.
12. In addition, Ms Rihai is to complete 60 hours of community work.
13. Ms Rihai has 14 days to appeal.

**DATED at Lakatoro, Malekula this 13th day of October 2023
BY THE COURT**


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Justice Viran Molisa Trief

