

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

Criminal
Case No. 23/2647 SC/CRML

BETWEEN: Public Prosecutor

AND: Joshua Scott, Killie Boronie, Mario Vale
Accused

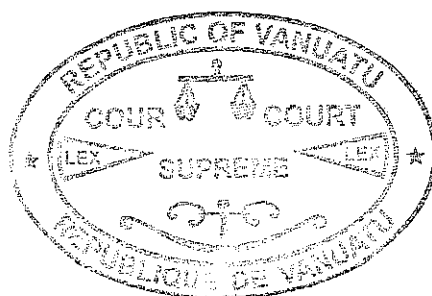
Date of Sentence: **15th day of December, 2023**

Before: **E.P. Goldsbrough**

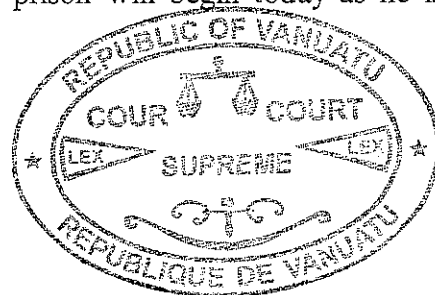
In Attendance: **Simeon, G for Public Prosecutor**
Taleo, B for the Accused

SENTENCE

1. There are three people charged in this case. As he did not attend Court, a warrant of arrest was issued for Mario Vale. The charges were put to Joshua Scott and Killie Boronie, who pleaded guilty to the offences charged, Joshua Scott to four offences, two of housebreaking and theft, and Killie Boronie to two offences, one housebreaking and one theft. In the joint instance, a washing machine and, in the latter, a lawnmower were taken, both from the same house in November 2022.
2. The charges are broken into four but amount only to two incidents. The first is when a house was unlawfully entered, and a washing machine was taken. That involved both Scott and Boronie. The second offence involved Scott breaking into the same house and stealing a lawnmower. All items belong to the same victim, Atkins Ala, and although the washing machine was recovered, the lawn mower was not. The victim has not received compensation.



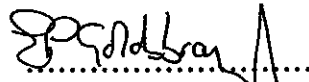
3. The burglaries were carried out at nighttime. That suggests that the householders would be inside when the entries took place. That is more serious than entering during the daytime when a house is more likely to be unoccupied.
4. This Court and the Court of Appeal have repeatedly said that dwelling house burglary is serious, and sentences must reflect that seriousness. The maximum penalty for unlawful entry is 25 years imprisonment, and for theft, 12 years imprisonment. That maximum penalty assists the Court in determining a suitable starting point for a sentence when coupled with factors unique to the offences.
5. Cases before the Court suggest a starting point for these two incidents as two years imprisonment. A higher starting point of three may be considered for the second offence, but that only involves Joshua Scott.
6. Both accused are young people. Scott is 17 years of age, and Boronie is 16. They will be treated as young offenders, and Boronie will not be sentenced to immediate imprisonment, considering his age. Scott is already in prison, and therefore, keeping him out of jail at such a young age cannot now happen. He was imprisoned in July 2023 for four years and six months for offences of unlawful entry and theft.
7. An early guilty plea deserves credit and will serve to reduce the length of the sentence of imprisonment in each case. Killie Boronie has not been in trouble before. The same cannot be said for Scott.
8. Dealing with Killie Boronie, his starting point of two years is reduced by 33%, leaving a balance of 16 months imprisonment. There is little other mitigation to be considered here. He is sentenced to 16 months imprisonment, suspended for two years. The suspension is ordered due to his age.
9. Dealing with Joshua Scott for his offending, his three-year start point is reduced by 33%, given his guilty plea. There are no other mitigating features that suggest further discount on the sentence. He is already serving a custodial sentence for other burglaries, so suspending his sentence would not be correct. His three-year starting point is reduced to two years imprisonment. That sentence in prison will begin today as he is already in custody.



10. The sentences imposed today are of 16 months imprisonment suspended for two years for Killie Boronie for one offence of unlawful entry and theft. For Joshua Scott the sentence is two years for two offences of unlawful entry and two offences of theft, to run concurrently and to begin today, 15 December 2023.
11. Appeal rights explained.

DATED at Luganville this 15th day of December, 2023.

BY THE COURT



E.P. Goldsbrough
Judge of the Supreme Court

