

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

Criminal Case No. 24/2071

PUBLIC PROSECUTOR

v

TINO MELTELILI AND

AMON BEBE

Defendants

Coram: Justice Oliver A. Saksak

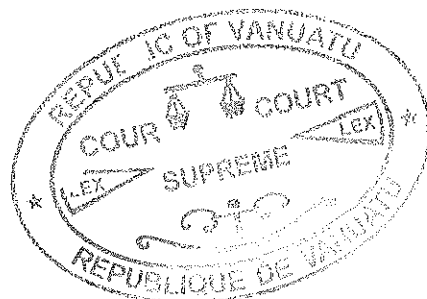
Counsel: Ms Laura Lunabek for Public Prosecutor
Ms Barbara Taleo for the Defendant

Date of Plea: 15th July 2024

Date of Sentence: 19th July 2024

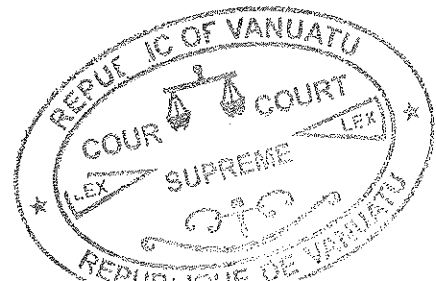
SENTENCE

1. Tino Meltelili and Amon Bebe pleaded guilty to one joint charge of unlawful entry (Count 1) and Theft (Count 2) contrary to sections 143 (1) and 125 (a) of the Penal Code Act. And they are for sentence today.
2. They are both convicted and are to be sentenced on their own guilty pleas.
3. Tino Meltelili is a 16 year old boy from Malekula Island and a student at Kamewa Centre School. He resides with his parents at Sarakata, Luganville in a family of 5 siblings. He is currently on bail.
4. Amon Bebe is 15 years old from Ranbutor Village, South Pentecost. He was a student in Year 9 at Rowani Primary School but has ceased since being charged with these offences. He is the second of 5 siblings and residing with his family at Show Ground, Santo. He is currently held under remand



in custody from 5 June 2024 for having breached his bail conditions after he was released on bail on 22nd May 2024.

5. Sometimes between 15 and 16 April 2024 they both entered into Lisa Dinh's house after Amon Bebe broke a window and entered the house while Tino kept watch outside. Amon Bebe opened a cupboard and found a safe and a jewellery and diamonds, sapphires, ruby, emeralds and pearls, over 60 pieces of breacelets, rings, necklaces and earrings, valued at over VT 6,000,000. Tino Meltelili took 2 hose pipes and they both walked away to the Pentecostal Church Area.
6. The Police were alerted. On 19 April 2024 the Police apprehended Amon Bebe and intervned him about the incidents. He admitted earlier being involved. Tino Meltelili was interviewed earlier on 19 April 2024 and he admitted his involvement in the incidents.
7. The defendants had been drinking alcohol on 15th April 2024 when they walked to the property of the complainant and committed the offences.
8. These are very serious offendings. Unlawful entry into a dwelling house carries the maximum penalty of 20 years imprisonment. And theft carries the maximum of 12 years imprisonment.
9. There are no mitigating circumstances of the offendings. The offendings were aggravated by the fact the two defendants had been drunk. Also that Amon Bebe is a habitual user of Marijuana or cannabis. Further that they trespassed into the complainant's yard before entering into her house. Her window was forced open and damaged. And valuables were taken away worth over VT 6 million.
10. This case is very similar to the case of PP v Maleb [2003] VUSC 200 although there were more charges of unlawful entry and theft (3 of each). The Court imposed a start sentence of 2 years imprisonment for the mature defendants but ordered the minor to come up for sentence under section 56 of the Act.
11. The Court notes what the Court of Appeal said in Heromanley v PP [2010] VUCA 25 about the need for reform and rehabilitation being paramount when sentencing young offenders.



12. However when young people who are students go out of their way to drink alcohol and smoke marijuana and then commit serious offendings as in this case, care must be taken that they should not be allowed to be " bad apples" to their colleagues in school to be influenced by their behaviour. When too much freedom and liberty is allowed to young offenders, care must be taken that that freedom is not taken advantage of to be abused.
13. Having said all that, I intend to treat these two young offenders this way-
- a) For Tino Meltelili and Amon Bebe I will order them both under section 56 of the Act to come up or sentence if called upon within a period of 2 years from the date of this order.
 - b) Further I order supervision of both defendants by the Probation Service under section 58F of the Act. Their supervision will be for a period of 2 years from the date of this sentence.
14. Both defendants must report to the Probation Service within 72 hours from the date of this sentence to receive further instructions.
15. It is therefore not necessary at this stage to assess their start sentences and consider mitigating factors in mitigation. This would only arise if the offenders are called up for sentence within the period of 2 years from the date of this order.

DATED at Luganville this 19th day of July 2024

BY THE COURT


Hon. OLIVER A SAKSAK

Judge

