

PUBLIC PROSECUTOR
V
AMOS WILLIAM

Date of Plea: 2 September 2025

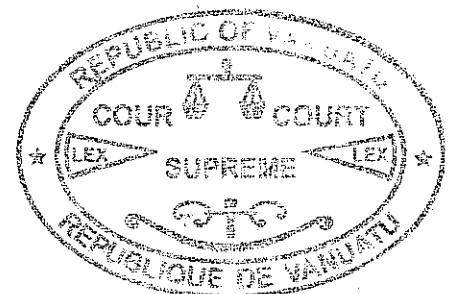
Coram: Hon. Chief Justice Vincent Lunabek

Counsel: Paul Tarikwisi for the Public Prosecutor
Pauline K. Malites for the Defendant

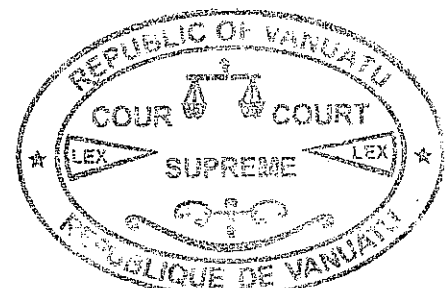
Date of Sentence: 21 November 2025

SENTENCE

1. Defendant Amos William was charged with the following offences:
 - Two Counts of Unlawful Entry into a dwelling house, contrary to s.143 of the Penal Code Act [CAP. 135]; and
 - Two Counts of Theft, contrary to s.122(1) and 125(a) of the Penal Code Act.
2. On 19 September 2025, Defendant Amos William was discharged under Section 29 of the Criminal Procedure Code Act [CAP. 136] for one Count of unlawful entry and one Count of theft under Counts 3 and 4 of the Information.
3. The Defendant Amos William is sentenced today on one Count of unlawful entry and one Count of theft under Counts 1 and 2. He pleaded guilty and admitted the facts provided by the Prosecution in respect to offences in Counts 1 and 2.
4. The brief facts are these – on 17 April 2025 at Freshwater area, Efate, Defendant Amos William unlawfully entered into the dwelling house of one Hellen Issachar and stole the following items:
 - One JBL speaker;
 - One laptop; and
 - One pair of shoes.

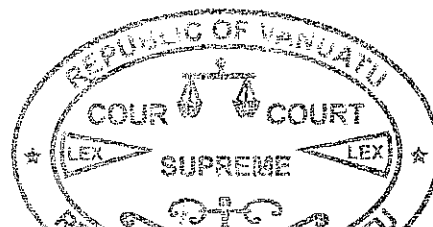


5. Defendant Amos William took these items into his own house at Freshwater area.
6. After the theft, the complainant (Hellen Issachar) asked one Yalou Sawia to assist her to find her lost items. Mr Yalou Sawia had information that Defendant Amos William stole and took the complainant's items into his house. Mr Yalou Sawia approached defendant Amos William and asked him about the complainant's missing items. The Defendant Amos William told him (Yalou Sawia) that he did not steal the complainant's items.
7. On the same evening that Mr Yalou Sawia asked Defendant Amos William about the missing items (properties) of the complainant (Hellen Issachar), Mr Junior Simeon told him (Yalou Sawia) and four other persons that he (Junior Simeon) had followed the Defendant Amos William in the previous evening, he waited for the Defendant on the road when the Defendant Amose William unlawfully entered into the complainant's house and stole the missing properties of the complainant referred to above and took them into his own house (Amos William's).
8. Mr Junior Simeon admitted that he was with the defendant Amos William on the night of the 17 April 2025 when the Defendant took the items from the complainant's house. Mr Junior Simeon made a statement to the police confirming that on the night of 17 April 2025, he followed the Defendant Amos William into the house of the complainant at Freshwater twice. They went into the complainant's house two times that night. The first time, they took a JBL speaker and the second time, they took a laptop and a pair of shoes.
9. After that Mr Junior Simeon reported and confirmed what he and the defendant Amos William did on the night of 17 April 2025, the Defendant Amos William made a statement to the police denying the offences and stated that he will only speak in Court. On 19 September 2025, the Defendant Amos William pleaded guilty to the offences in Counts 1 and 2.
10. The case of Jimmy Philip v Public Prosecutor [2020] VUCA 40 sets out the sentencing approach in two respects. First, the Court sets a starting point based on how serious the offence is, then, the Court adjusts the sentence based on the defendant's personal situation. This approach helps the Court to balance the seriousness of the crime with the fairness to the individual situation of the accused.
11. The maximum sentence for the offence of unlawful entry into a dwelling house is 20 years imprisonment. The maximum sentence for the offence of theft is 12 years imprisonment.
12. In the present case, there is no mitigating factor to the offending, but the following aggravating features exist:
 - The offending occurred at night time whilst the house was occupied;
 - The victim-complainant felt vulnerable and unsafe;



- There is psychological impact and trauma on the victim-complainant;
- There was some degree of planning and premeditation;
- The value of the property being taken estimated at more than VT100,000;
- The defendant seemed to have been previously convicted of similar offences. Correctional Services records show that Mr Amos William has a history of convictions. He was previously sentenced to six months and two weeks of imprisonment from 29 May 2024 to 13 December 2024 for offences involving dishonestly receiving property and theft. In addition, he was serving a 10 months imprisonment sentence for an offence of unlawful entry and theft, which lapsed on 23 October 2025.

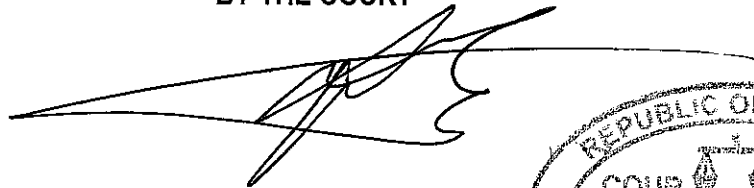
13. This previous conviction seems to be challenged by the defence counsel. The defendant has a prior conviction recorded at the Magistrate's Court, which was appealed and recently determined in Criminal Case No. 2211 of 2025. The Court quashed the original sentence and referred the matter back to the Magistrate's Court for re-sentencing, stating that the offender should be regarded as a first-time offender. The Court also cited a previous conviction of another individual, William Amos, to deny suspension of sentence and to re-activate the previous sentence, which was not against the Defendant Amos William.
14. At the time of his sentence today, I take it that Defendant Amos William has no previous conviction.
15. The Prosecution in their submissions referred to Public Prosecutor v Akuma [2023] VUSC 145 and Public Prosecutor v Wako [2025] VUSC 1 and submitted that 3 – 5 years imprisonment would be an appropriate starting point.
16. The Defence submitted that a starting point sentence of 6 months to 1 year imprisonment will be an appropriate starting point based on Public Prosecutor v Ngwera [2025] VUSC 211 and Public Prosecutor v Molsul [2025] VUSC 257.
17. I set a starting point sentence of 3 years and 9 months imprisonment based on Public Prosecutor v Akuma [2023] VUSC 145 and Public Prosecutor v Wako [2025] VUSC 1.
18. In mitigation, Mr Amos William has pleaded guilty to the offences at an earliest opportunity which saves the Court time and public resources (costs). A deduction of 33% will be allowed to the start point sentence. Your sentence is reduced now to 30 months (2 years and 6 months).
19. Mr Amos William is a young man of 21 of age, has a young family with a child of few months old. He has been employed with Jonas James Construction since the beginning of this year. He has plan to work overseas through RSE schemes. I take it since he will yet be re-sentenced by the Magistrate's Court but until then, he has no previous conviction, and he is considered as a first-time offender. I give him an allowance of 3 months. The sentence is further reduced to 27 months imprisonment.



20. Mr Amos William has been remanded in custody since 8 May 2025 waiting for his sentence in this case.
21. Mr Amos William is sentenced to an end sentence of 2 years and 3 months (27 months) imprisonment.
22. I consider whether or not to suspend the imprisonment sentence of 27 months. I decline to do so considering the circumstance of this case.
23. Mr Amos William is sentenced to 2 years and 3 months imprisonment, which is deemed effective from 8 May 2025 to take into account of the time already spent in custody.
24. Mr Amos William has 14 days to appeal this sentence if he is not happy with it.

DATED at Port Vila, this 21st day of November, 2025.

BY THE COURT



Hon. Chief Justice Vincent Lunabe

