

IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU

CRIMINAL CASE NO. 19/82

JUDGMENT NO (A) 20/80

OF 22nd July 1982

Public Prosecutor

-v-

Jean Noel
Francois Salili
Serge Yakeula
Peter Bonny
August Klann
Pierre Yakeula
Lulu Louis
Jack Pala
Raymond Litch

Coram: Mr. Justice F.G. Cooke, Chief Justice.
Mr. J. Bolango, Assessor.
Mr. P. Malsangai, Assessor.
Mr. R. Wainai, Interpreter.
Miss J. Walsh, Chief Registrar.

JUDGMENT

This is a case of a Public Prosecutor against nine accused, first Jean Noel; Francois Salili; Serge Yakeula; Peter Bonny; August Klann; Pierre Yakeula; Lulu Louis; Jack Pala and Raymond Litch.

All of the nine accused were charged with either escaping from No.1 Prison Vila, entering the house of Mr. Muir and removing goods therefrom to the total sum of 270,700VT and the house of Mr. Nettleton and removing therefrom goods valued at 50,000VT.

The first person, Jean Noel was charged on six counts and he pleaded guilty to all.

The second person, Francois Salili was charged on three counts that is escaping once and entering the house of Mr. Muir and assisting in the removal therefrom of goods to the value of the aforesaid.

The third accused was charged with three counts and like the previous person pleaded guilty to the three counts.

The fourth accused was charged with six counts and he pleaded guilty to four. He maintained that although he entered Mr. Muir's and Mr. Nettleton's house, he did not assist in the removal of goods therefrom.

The fifth accused August Klann was charged with five counts and he pleaded guilty to them all.

The sixth accused was charged with six accounts and he pleaded guilty to all counts.

The seventh accused was charged with five counts and he pleaded guilty to all.

The eighth accused was charged with six counts and he pleaded guilty to all.

The ninth accused was charged with six counts and he pleaded guilty to all.

The facts as outlined by the Public Prosecutor Mr. Coté was to the effect that on the 3rd of April, there was a mass escape by five of the accused that is (1), (4), (6), (8), and (9). ie. Jean Noel, Peter Bonny, Pierre Yakeula, Jack Pala and Raymond Litch.

Who left the jail and went around Vila that night, did not commit any offence and returned to the jail later the same night.

On the ninth of April, there was a further mass escape by the nine accused, the escape was made possible by no.7th accused (Lulu Louis) who had the key to the women's lockup and no. 8 had wire cutters. They entered the women's room and accused no. 6 cut the wire fence and that is how they managed to escape.

They all went to Tasariki area and there went into the house of Mr. Muir. They ransacked the house and stole some 270,700VT of goods including jewellery, clothing, liquor, watches, rings and cassettes. Some of these minor goods were recovered by the police.

After coming out of Mr. Muir's house they went into the house of Mr. Nettleton and there goods of the value of 30,000VT were stolen, it included clothes, alcohol, cassettes and lighters. Some of these items were recovered by the police. After committing the second entry and break-in of Mr. Nettleton's house they returned to the jail undetected.

These are the facts as outlined by the Public Prosecutor, as regards to prior convictions, the first accused is serving a sentence of 18 months the second accused is serving a sentence of 4 years, the third accused is serving a sentence of 3 months (and he was due for release on the 7th of June), the fourth accused was serving a sentence of 4 years, the fifth accused was serving a sentence for 4 months for theft, (he was due out in May), the sixth accused was serving a sentence for theft of 4 years, the seventh accused was serving a sentence for 3 years for theft, the eighth accused was serving a sentence of theft for 3 years, and the ninth accused was serving a sentence of theft of eight years.

The accused were asked if they had anything to say, the first eight stated they had nothing to say, the ninth accused merely complained that his clothes were in the Police Station and had been there for one year and that he required them as a change in prison.

Sentence on the accused was adjourned to Friday the 23rd of July. On Friday the 23rd of July at 2 pm. the case having been considered by myself and the assessors, the pleas of the accused were accepted and they were all convicted on the charges laid against them.

In the case of Jean Noel, the first accused he had pleaded guilty to escaping twice from prison, the sentence imposed on him was one of six months for each escape and for the other offences he was sentenced to two years on each offence. All sentences to be concurrent. His total sentence was therefore two years.

On the second accused Francois Salili he pleaded guilty and he was sentenced to six months for the escape charges and two years for the other charges, total sentence was two years concurrent.

Third accused Serge Yakeula, he pleaded guilty to the charges. The Court considered that he had been led astray by the others so he was sentenced to a total of fifteen months imprisonment. The sentence to take effect as from the 7th of June 1982.

The fourth accused Peter Bonny, was charged with six charges. He was sentenced to six months on each of the escape charges and two years for the other charges, a total sentence of two years concurrent.

In the case of the fifth accused August Klann, in this case the Court also considered that he was led astray by the others and his total sentence on the charges against him was one of fifteen months, to take effect from the 28th May 1982.

Number sixth accused Pierre Yakeula, he was sentenced to six months imprisonment on each of the escape charges and two years imprisonment on each of the other charges, all sentences to be concurrent. The total sentence was therefore two years.

Number seventh accused Lulu Louis, he escaped from the prison and for that the Court imposed a sentence of six months imprisonment and two years imprisonment on the other four charges. All sentences to be concurrent so his total sentence was two years.

Number eighth accused, he escaped twice from the prison, a sentence of six months was imposed on each and two years for the other charges. All to be concurrent so his sentence was two years.

Number ninth accused Raymond Litch, he was sentenced to six months on each of the escape charges and two years on the other charges. Total sentence to be two years concurrent. All the sentences on the accused in this case were in addition to the sentences they are now serving in prison.

It was explained to seven of the accused that is all those other than Serge Yakeula and August Klann that they had to attempt to behave themselves in prison and lead a proper life and if they did this for two years that a recommendation could be made for some remission of their sentence.

If you do not behave, then you may have to serve all your sentence.

Dated this 22nd day of July 1982.

Frederick G. Cooke

Frederick G. Cooke.

Chief Justice.

