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

Criminal Case No. 31/ 2011

PUBLIC PROSECUTOR

V
LUCY MORRIS

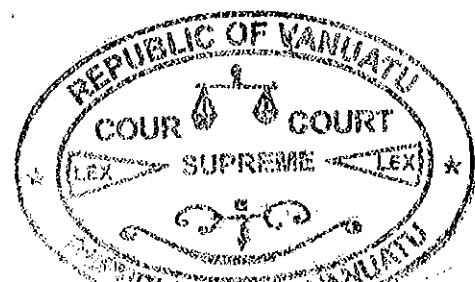
Hearing: 19th May 2011
Before: Justice Robert Spear
Appearances: Mr. S. Blessing for State
Mr. E. Molbaleh for Accused

SENTENCE

1. Lucy Morris you are for sentence today on four charges to which you pleaded guilty on the 12th April 2011.
Count 1: Forgery.
Count 2: Obtaining money by false or misleading statements.
Count 3: Misappropriation.
Count 4: Theft.
2. I accept that this offending can appropriately be contained within counts 1 and 4: Forgery and Theft. The inclusion of counts 2 and 3 (Obtaining money by false or misleading statements and Misappropriation) really amounts to a duplication of the other charges.
3. Mr. Blessing for the State does not oppose a slight reconstruction of the indictment to that end. So, you are discharged on counts 2 and 3 leaving you for sentence on count 1, Forgery and count 4, Theft.



4. This offending occurred in February 2011 while you were working for the National Bank at Tongoa. It involved the misappropriation by you of Vt 94,800 from a customer's bank account. You were in a position of responsibility and trust. You abused that trust and effectively stole not just from your employer but more directly from another member of your small community. It will be difficult for that acustomer to save that much again as it effectively amounted to his life's savings. There is no prospect of any compensation from you according to the Probation report.
5. Your husband is unemployed. You were the sole breadwinner for the family through your work at the National Bank on Tongoa. Mr. Molbaleh points out that you have no chance at all of ever being employ again in the banking industry because of your dishonesty.
6. So, that leaves your family without an income. However, more importantly and significantly, it leaves the complainant *out of pocket* of for his life savings of VT 94,800.
7. I have received a quite unsatisfactory explanation as to why you misappropriated the funds. What I can accept is that temptation got a better of you. You saw it as a means to obtain easy money.
8. I can tell you that, if there had been a string of misappropriations by you, you would be looking at a significant term of imprisonment. However, there was only one instance of misappropriation or theft and so that can be put down to an impulsive act on your part.
9. There is a need for this sentence to mark the seriousness of the offending and to hold you fully accountable for the harm that you have done. It must also promote in you a sense of responsibility for the loss you have caused to another member of your community. Further, it must do its best to deter you from similar offending if you are ever again put in a position of trust.
10. To be realistic, you are 28 years of age and the mother of two young children. They are suffering because you have been keep apart from them over the last two months. You are unlikely to find any work that puts you in a position of trust again,
11. I accept you are remorseful, and I accept that you admitted that you had stolen the money when first confronted with the allegations.
12. What I propose to do is to sentence you to a short term of imprisonment. A term of imprisonment is particularly appropriate because there is no compensation for the victim.



13. I adopt a starting point of 6 months imprisonment. I allow you 2 months off that for your early guilty plea and further month to recognise that you are a first offender of otherwise good character. That leaves me with a sentence of 3 months imprisonment.
14. I note that you have been in custody on remand now for 2 months and 7 days. Accordingly, the sentence of this Court is that you serve a term of 23 days' imprisonment.

