

PUBLIC PROSECUTOR - v - AUGUSTINE GOH CHI WOEI

Coram: V. Lunabek CJ

Counsel: Mr Simcha Blessing for the Public Prosecutor
Mr Andrew Bal for the Defendant

SENTENCE

Mr Augustine Woei, you appear before the Court today for sentence. On 8 May 2012, you entered a guilty plea on one count of Theft, contrary to section 125(a) of the Penal Code Act [CAP.135]. You are 36 years of age. You are a Singaporean citizen. You arrived in Vanuatu in October 2011 to work and do business. You have an immigration permit to stay in Vanuatu for four (4) months. Your offending covered the period January – February 2012 (a total of 2 months). The brief facts of your offending are contained in the prosecution brief of facts. Your lawyer accepted these facts on your behalf before you entered your guilty pleas. The summary of those facts are set out as follows:

The series of transactions for which you are charged occurred sometime between January and February 2012. You were then employed by Esah Corporation as Supervisor for Retail and subsequently as the wholesale supervisor.

Your duties were, inter alia, supervising staff under your charge, collecting orders and collecting cash and cheque payments from customers.

Sometime in February, Mrs Teo discovered on the company's debtors listing that a few customers who normally pay promptly had outstanding payments. She set about making enquiries with the respective customers in tandem with your default. The customers informed her that they had already paid and provided their receipts to Mrs Teo. Investigation commenced subsequent to a complaint lodged by the



Manager of Esah Corporation Mrs Deborah Teo alleging that you stole from the company an amount of VT1,833,198.

In attempting to conceal the deficiencies you had caused, you informed the company's accountant Ms Josephine Ng that you had misplaced your receipt book. The book contained another estimated 23 receipts that were not given to the accountant. This augmented Mrs Teo's suspicion of you.

Mrs Teo immediately instructed the Accountant to prepare a statement account. Ms Ng proffered a copy to her, upon thorough perusal she observed that substantial amounts of cash paid by customers were missing. The amount appeared on invoice payments did not correspond to the cash that was presented by you.

She instantly demanded you to explain the deficiencies. You admitted stealing an amount of VT2,833,198.

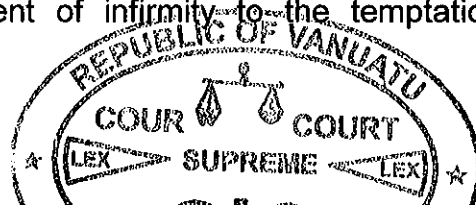
The matter was reported to the Police. You were arrested on the 15th of February 2012 and a warrant for your remand was issued by the Magistrate's Court on the forenoon of the following day, the 16th of February 2012.

You were interviewed under caution on the 29th of February 2012 in the Correctional Centre. You freely made admissions to the police. The Magistrate's Court issued a warrant for your remand on the 16th of February 2012.

The offence of Theft is a serious offence. It is punished by law with a maximum penalty of 12 years imprisonment.

The circumstances of your offending justify a starting point of 2 years imprisonment. Your offending is aggravated by the following factors:

- You held the important position of wholesale supervisor with your company. You were entrusted with the collection of orders and collecting cash and cheque payments from customers. A high degree of honesty and integrity was required of you. You were in breach of the trust placed on you by your company employer.
- Your offending of Theft was not an isolated incident of an otherwise honest employee succumbing in a moment of infirmity to the temptation of



handling money. Your theft was calculated, persistent and systematic and involved stealing of amounts from a considerable number of the company's customers.

- You used the monies you stole from the company to gratify you gambling compulsion.
- The company suffered loss as a result of your thefts.

Your sentence is increased to 4 years imprisonment.

The pre-sentence report reveals that you are married and have two (2) daughters aged 2 and ½ of age. They stay with their mother back in Singapore.

I balance your term of imprisonment of 4 years with all what your lawyer told the Court including the following mitigating factors:

- Your guilty plea at the first opportunity given to you by the Court.
- You are a first time offender.
- I accept that you are remorseful and you promise that you will not reoffend.

I reduce your sentence to 2 and ½ years of imprisonment. This includes the time you have already spent in custody to be deducted.

You are sentenced to 2 and ½ years imprisonment.

Your sentence of imprisonment shall start from 16 February 2012, the date you were remanded in custody.

You have 14 days to appeal your sentence if your are unsatisfied with it.

DATED at Port-Vila this 11th day of June 2012

BY THE COURT



**Vincent LUNABEK
Chief Justice**

