

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

Criminal Case No. 99 / 2012

PUBLIC PROSECUTOR

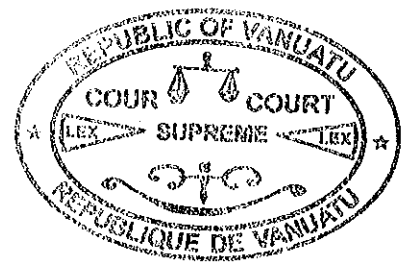
V

RAMAU YASUELY

Hearing: 28 September 2012
Before: Justice Robert Spear
Appearances: Leon Malantugun for the Public Prosecutor
Jacob Kausiama for the Defence

SENTENCE

1. The accused is for sentence having pleaded guilty to one count of unlawful entry and a further count of theft. Those pleas of guilty were entered at an early opportunity and the defendant is entitled to full credit for that.
2. The circumstances of the offending are set out in the prosecution submissions and not dispute is taken with them.
3. On 29 March 2012, the defendant broke into a shop in the Tebakor area by cutting his way through the ceiling. He took a large number of items from the store including cigarettes, telephones, food and cash of Vt 50,000. The total cost of the goods taken was Vt 375,748. He was apprehended by the police on 10 May 2012 and he made a full admission.
4. The defendant is 22 years of age and is a first offender. The pre-sentence report explains that he is single and from the island of Tanna. The probation officer reports that the defendant appears to try to distance himself from the offending or full culpability for it by blaming his parents, his peers and even the Government of Vanuatu. He states that he is remorseful for what he has done but, of course,



he has taken a significant quantity of goods which he has applied for his own benefit. There is no prospect of reparation.

5. What is often not understood by a burglar (and the defendant falls into that category) is the harm that this type of offending causes to hard working members of the community. People who have established a business and who are endeavouring to work to make a living from it. The defendant does not have work although it appears that he would like to work. He has some skills as has reported on by the probation officer but says that he has found it hard to find work on occasions. However, except to say that he is sorry for what he has done, he appears to show no insight into the harm that he has done this hardworking shopkeeper.
6. The defendant has supportive parents who are prepared to have him back home and to assist him undertake rehabilitative programs.
7. Mr Kausiama accepts that a sentence of imprisonment is appropriate but urges me to suspend it. I am not prepared to do so. It is time that burglars in this community understand that they cause a great deal of harm and that when they are apprehended they will go to prison. They must understand that it is not worth the risk.
8. The only matter in mitigation here is that the defendant pleaded guilty at an early opportunity and he is entitled to a full third credit against the sentence that would otherwise be imposed upon him.
9. In my view the appropriate offending end point here for a burglary of a commercial nature where substantial goods were taken is 3 years imprisonment. Allowing a one third reduction, the sentence becomes one of 2 years' imprisonment.
10. You are sentenced to 2 years imprisonment. I am not prepared to suspend it. There is nothing in your make-up that suggests to me that you would benefit from a suspension except to let you think that you have got away with your



offending. You are not in a position to make any form of reparation or compensation for what you have done and you should spend time in prison contemplating the error of your ways.

11. That sentence will be deemed to have commenced on 14 August 2012 when you were first taken into custody.

12. You are 14 days to appeal this sentence if you are not happy with it.

BY THE COURT

