

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

Criminal Case No. 154 / 2012

PUBLIC PROSECUTOR

V

REYMONDE PAUL

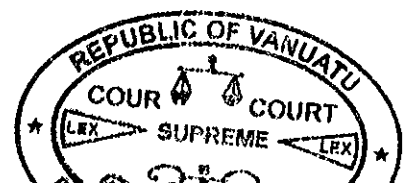
Hearing: *8 February 2013*

Before: *Justice Robert Spear*

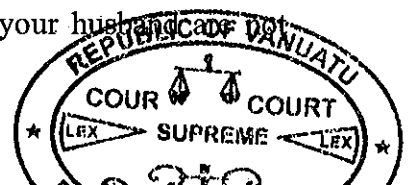
Appearances: *Ken Massing for the Prosecution*
 Jacob Kausiama for the Defence

SENTENCE

1. Reymonde Paul, you are for sentence on one charge of obtaining money by deception. That charge carries a maximum penalty of 12 years' imprisonment.
2. This is a representative charge which is accepted by you as applying to wider offending than just one instance. Indeed, the summary of facts that has presented by the prosecution is not disputed by you. The offending was extensive and it involved some 40 people who paid sums of between Vt 15,000 and Vt 30,000 to you as part of your deceptive and fraudulent scheme. The total amount that you received was slightly over Vt 1 million; more exactly Vt 1,068,000.
3. I am informed that more victims have emerged since this prosecution was commenced and that those complaints are likely to result in further charges being laid against you. Whether that does or does not occur is not a matter that need concern me. I will deal with you wonith the basis of the facts that are in front of me.

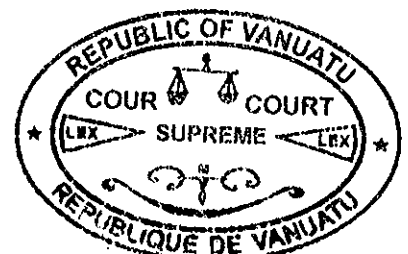


4. Last year you presented yourself at times to various communities around Port Vila proclaiming that you were acting as an authorised agent for the recruitment of workers to work in the rice fields in New Caledonia.
5. It is hardly surprising that many people were keen to take up such work appreciating that it was going to provide them with a better income than they had been able to generate here in Vanuatu. Of course it was a complete fiction. You did not have that contact. You did not have places for people in New Caledonia to work in the rice fields. This was a well-planned and carefully thought-out but totally dishonest scheme devised by you to steal from other people.
6. What makes this case even more appalling is that you targeted unskilled people of very modest means who wanted to improve their financial position through hard work. You convinced them that for a fee of between Vt 15,000 and Vt 30,000 you would be able to place them in work in New Caledonia and they would then enjoy a much higher income than they had been able to find here. Not only did you present yourself as having both the necessary contacts and the ability to provide these placements, you went much further than that and enhanced the deception in various ways.
7. For example, in April 2012 you organised a camping trip for prospective applicants to the Whitesands area for a "training exercise". Of course, that was simply part of your dishonest and deceptive plan to lead people into thinking that you were genuine and that you did have a scheme from which they could benefit.
8. The money that you received has been used by you. It is not available for reparation. I understand (from the reports that have been presented) that 4 of the victims – that is, 4 out of 40 - have been reimbursed but the others have been left completely out of pocket. You also say that you are not in a position to pay compensation except by way of instalments of Vt 15,000 per month. That Vt 15,000 offer has been rejected by some of the victims who say quite understandably that they need the money and they want it now.
9. You and your husband have assets but for whatever reason you have not been prepared to liquidate those assets to compensate those victims. That would have been considered by the Court as a substantial expression of your remorse. Clearly you and your husband



prepared to apply your assets towards the reimbursement of your victims. Even the offer of Vt 15,000 per month depends upon you continuing to be able to work in your gardens and generate income in that way.

10. I tell you now that you will be going to prison today and so your ability to work in the gardens will not arise until you have been released from prison. I can offer no hope to all those victims who are out of pocket. They have civil remedies available to them and perhaps they need to approach the Public Solicitor to see whether steps can be taken to recover their loss from your family assets through civil proceedings.
11. In so far as sentencing is concerned, I proceed on the basis that while I will make a compensation order I have no expectation that is going to be met in the short term and indeed my feeling is that it is unlikely to be honoured at all until enforcement steps are taken.
12. The pre-sentence report explains that you are 47 years of age and that you reside with your husband in the Belle View area. You have 6 children who are, in the main, now grown up. You have no previous convictions. You have indicated that you are remorseful for your offending but remorse is always difficult to assess when the offending has taken place so extensively and in such a callous and well-planned manner as this. If there is remorse here I am sure it is remorse that you feel for the position you now find yourself.
13. You have offered to present yourself for a custom reconciliation hearing. That has being rejected by the victims and there can be no surprise that that has occur. They will feel very hurt and aggrieved at the way in which they were completely taken in by you.
14. As I have mentioned this offending carries with it a maximum penalty of 12 years' imprisonment. Having regard to the various authorities referred to by both prosecution and defence, a starting point of 3 years imprisonment is required and that needs to be lifted to 4 years to reflect the extent of your offending. This was not just one theft of Vt 1 million, it was 40 separate thefts of small amounts and from unsophisticated people who could not afford to lose that sort of money; and that is what you understood as well. You targeted the unsophisticated and the vulnerable and that aggravates this offending.
15. So I reach an offending end point of 4 years' imprisonment.



16. I should mention now that I make no allowance for the fact that you have no previous convictions or that you say you are remorseful. The absence of convictions simply is a neutral factor. The presence of previous convictions can aggravate the offending for sentencing purposes but it would be double counting if you were to receive a reduction of sentence because you had no previous convictions. It is simply a neutral sentencing factor.
17. I am going to impose a compensation order which requires me to reduce the sentence of imprisonment slightly and I do so by 6 months.
18. I need to give you credit for your early guilty plea. You are entitled to full credit of one third against the sentence that would otherwise have been imposed upon you.
19. You are accordingly sentenced to 2 years 2 months imprisonment which will be deemed to have commenced on 25 December 2012 to reflect the time (1 month and 2 weeks) that you spent in custody on remand.
20. You will also pay compensation in the sum of Vt 1,068,000. Correctional Services will be responsible for working with you on your release from prison to ensure that is received and paid out to your victims.
21. You have committed a horrible wrong on local communities and you deserve to be thoroughly ashamed of yourself.
22. You have 14 days to appeal this sentence if you do not accept it.

BY THE COURT

