

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

Criminal Case No. 122 of 2012

PUBLIC PROSECUTOR v. JEAN YVES SHEM

Coram: Judge Aru

Counsels: Mr. D. Boe for the Public Prosecutor
: Mr. H. Vira for the Defendant

SENTENCE

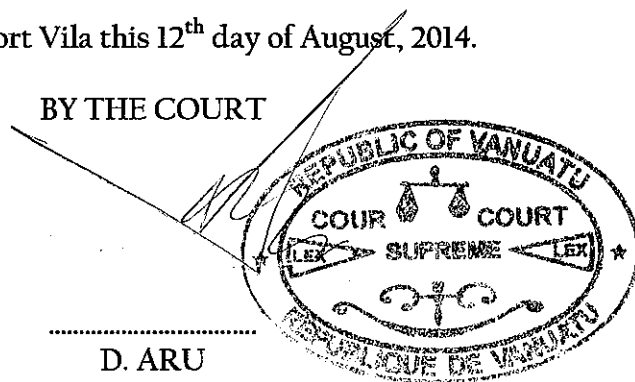
1. Jean Yves shem you appear today for sentencing.
2. You were charged with the following counts:
 - Count 1 – malicious damage to property contrary to s133 of the Penal Code [CAP 135]
 - Count 2 – unlawful entry of a dwelling house contrary to s 143 of the Penal Code [CAP 135]
 - Count 3 – theft contrary to s 125 of the Penal Code [CAP 135]
 - Count 4 – malicious damage to property contrary to s 133 of the Penal Code [CAP 135]
3. You were charged jointly with Ian Thompson on counts 2 and 3. On 5 August 2014 a nolle prosequi was entered in respect of Ian Thompson. The brief facts which are conceded are that on the night of 10 May 2012 at the Vanuatu Beverage, you entered the Vanuatu Beverage factory building by climbing up a tank beside the building and entering through a sliding window.
4. You then removed the cash book and the cash box. You broke the cash box and took the money inside. The amount in cash was VT142,307, the amount in cheques was VT 847,860. The drinks stolen and damaged were valued at VT265,420 making a total loss to the company in the sum VT 1,255,317. You admitted the offending to the Police when you were questioned.
5. The lead offence is theft which carries a maximum penalty of 12 years imprisonment. Your offending is serious as you clearly intended to deprive the complainant of its property by entering its premises at night without authorization and damaging property and removing cash, cheques and drinks. I must denounce your actions to show public

disapproval of such behaviour and whatever sentence I impose on you today must also be a deterrence to you and to the public at large.

6. As a starting point I sentence you to 3 years imprisonment. This is increased to 4 years taking into account the value of the stolen and damaged property and the fact that there was some degree of planning as the offence was committed at night.
7. Counsel on your behalf submits that you are a young man of around 21 years and that you aim to be a mechanic in future. He submits that you are remorseful and furthermore that the full value of the items stolen and damaged was repaid.
8. Taking into account your early guilty plea I reduce your sentence to 2 years and 6 months imprisonment. As you are a young man with a future still ahead of you and being remorseful for what you did I make a further deduction of 6 months leaving a balance of 2 years imprisonment.
9. For the offence of unlawful entry I sentence you to 6 months imprisonment and 4 months imprisonment for damage to property respectively.
10. Your end sentence is therefore 2 years imprisonment to be served concurrently but will be consecutive to your existing sentence.
11. You have 14 days to appeal your sentence if you are not happy with it.

DATED at Port Vila this 12th day of August, 2014.

BY THE COURT



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D. ARU
Judge