

PUBLIC PROSECUTOR

- v -

SOPHANIE ARU

Coram: V.LUNABEK CJ
Counsel: Mr Tristan Karae for the Public Prosecutor
Mr Andrew Bai for the Defendant

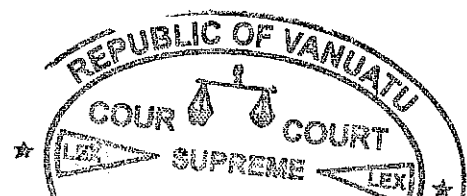
SENTENCE

Sophie Aru, you appear today for sentence. On 3 July 2014, you entered a guilty plea on one count of theft, contrary to s.125 (a) of Penal Code Act.

The brief facts of your offending are set out as follow:

Brief Facts:

1. On or about the 2nd of June 2014, the complainant Karl Guillan lodged a complaint against you for stealing money from the cash registry at the Stanley Imports retail shop at Tebakor area.
2. The complainant employed you in February 2013.
3. You have been working in all three retail shops, Freshwota 1 shop of Stanley Imports, Tebakor shop and the Centrepoint shop in town.
4. During those times you had been in charge or in other words responsible for the running of the day to day sales of items in the shops.
5. On the 15th of March 2014 the complainant found that there were 14 irregular sales, sales that have not been entered and sales that were unsold.
6. The complainant further investigated these irregularities and according to the CCTV footage, the complainant saw you had taken cash in the amount of VT45,000 between the 15th of March 2014 to the 6th of May 2014.
7. On the 6th of May 2014, after viewing the CCTV footage, the complainant noticed that from 10:31am – 3:19pm there should have been 4 x VT 5,000 noted in the cash registry.
8. The complainant came to the cash registry after 3:19pm and noticed that there was only 3 x VT 5,000.



9. After viewing the CCTV footage the complainant noticed that around 12:05pm – 12:09pm you walked over to the cash registry with a green trendy top. You opened the cash registry and count 3 x VT 5,000 notes. You then put the green trendy top on top of the VT 5,000 notes.
10. After counting remaining cash in the cash registry you picked up the green trendy top with 1 x VT 5,000 note and dropped it on the floor.
11. You then picked up the trendy top with the money and left to aisle to hang back the trendy top.
12. On the 20th of May 2014, Officer Janet cautioned and interviewed you about the allegation laid against her. You made admission to the effect that you did take those money for personal use and that you began stealing when you started work in 2013.

Theft is a serious offence. It carries a maximum penalty of 12 years imprisonment. You were employed by Stanley Imports and you were entrusted by your employer to handle cash received for payment of the items in the retail shops. You breach the trust by stealing from your employer. You must be punished for your offending.

In your sentencing, I take into account the submissions and authorities advanced by the prosecution and I also take into account of the submissions and authorities made by your lawyer on your behalf.

In the circumstance of this case, the starting point for sentence is a term of imprisonment of 12 months.

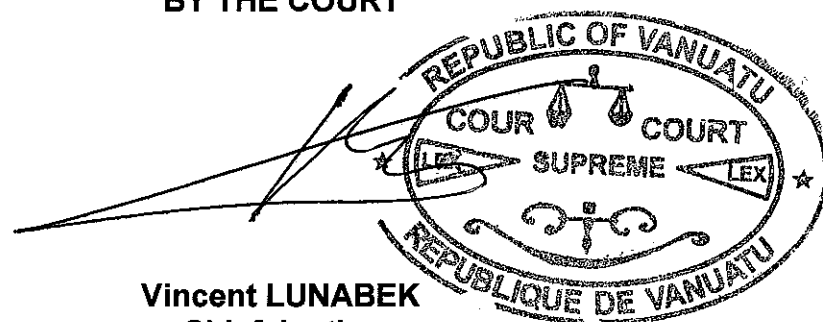
In mitigation, you are 24 years of age. You have a son. You are a first time offender. You plead guilty at the first time opportunity given to you by the court. You are given a 1/3 reduction of the 12 months imprisonment sentence.

You are sentenced to 8 months imprisonment which is suspended for a period of 2 years. In addition, you are ordered to perform 80 Hours Community Work.

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

DATED at Port-Vila this 23rd day of July 2014

BY THE COURT



**Vincent LUNABEK
Chief Justice**