

**BETWEEN:** Public Prosecutor

**AND:** Christopher Tari Voda  
Defendant

*Date:* 14 December 2018  
*Before:* Justice G.A. Andrée Wiltens  
*In Attendance:* Ms M. Tasso for the Public Prosecutor  
Ms K. Bakeo for the Defendant

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**SENTENCE**

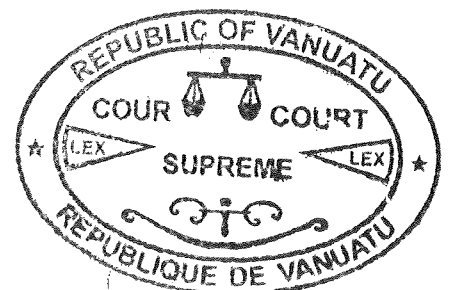
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A. Introduction

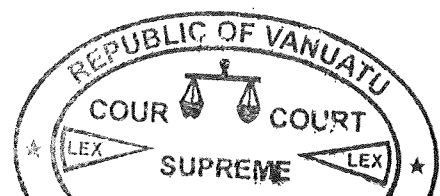
1. Mr Voda pleaded guilty to 3 charges in all: (i) unlawful entry of a dwelling house, with a maximum sentence of 20 years imprisonment; (ii) theft, with a maximum sentence of 12 years imprisonment; and (iii) escape, with a maximum sentence of 5 years imprisonment.

B. Facts

2. On 18 September 2018, Mr Voda unlawfully entered the home of Glenda Sumptoh at 3 – 3.30am despite the front door being locked. Mr Voda's head was covered by a t-shirt to conceal his identity. He stole from the premises an Alcatel mobile phone, a black music speaker and a pair of brown "maseur" sandals. He was disturbed by Ms Sumptoh's waking up and he ran off. [Mr Voda suggests that he was on his way to buy tobacco, when he took the opportunity to enter through the closed but unlocked door and help himself to the property openly on display – i.e no breaking in. He also suggested the t-shirt over his head was not to conceal his face, but I don't accept that.]



3. Shortly thereafter Mr Voda sought assistance to try and unlock the mobile phone. That alerted the police, who were then able to trace and apprehend Mr Voda. All the stolen property was recovered. It was later recognised as her property stolen during the burglary by Ms Sumptoh.
  4. In the course of being dealt with by the police Mr Voda made off and escaped. He was subsequently brought back to the police station by his parents the next day. Mr Voda admitted all 3 offences to the police when questioned.
- C. Aggravating Factors of the Offending
5. There are a number of aggravating factors to the offending – firstly the offending involves dishonesty, deliberately perpetrated at night, with an attempt to conceal his identity. Secondly, the escape after having been apprehended by the police adds a degree of criminal culpability to the overall picture.
- D. Mitigating Factors of the Offending
6. There are no mitigating factors relating to the offending.
- E. Start Point
7. The start point for this offending, as required to be identified by *PP v Andy* [2011] 14, is set at 18 months imprisonment for the dishonesty offences, with a further 3 months imprisonment for the escaping.
- F. Personal Factors
8. Mr Voda has a clear previous record. He is still relatively young, being 19 years old. He is said to be remorseful, and a useful member of his family who rely on his earning capacity. There has been a custom reconciliation ceremony, albeit of rather limited compass. Lastly, he has spent a month in custody while on remand. Those factors enable a discount of 9 months imprisonment from the start point.
  9. The final matter of mitigation is Mr Voda's pleas. For his pleas, I allow 33.3% reduction to the end sentence.
- G. End Sentence
10. Taking all of those matters into account, the end sentence that be imposed is one of 8 months imprisonment. I impose that on all charges concurrently.
- H. Suspension
11. Section 57(1) of the Penal Code requires the Court to consider whether the end sentence should be imposed immediately or suspended. The Court has jurisdiction to suspend the sentence if immediate incarceration is inappropriate in view of the circumstances, in particular the nature of the crime, and the character of the offender.
  12. Suspending Mr Voda's sentence is within my discretion. I take into account his immaturity and lack of previous convictions, plus his prompt pleas. He has already served over a month in



prison; and he attended a custom reconciliation ceremony with the victim. In those circumstances it is appropriate to suspend the end sentence for 18 months.

13. Accordingly, the sentence of 8 months imprisonment is suspended for 18 months. Mr Voda needs to understand that he needs to remain offence free for 18 months from today, or he will be incarcerated for 8 months.
14. Suspending a sentence is often accompanied by a direction that the offender be subject to a period of supervision by the Probation service, to ensure that re-offending risks are minimised. I am satisfied that is required in this instance. Accordingly 12 months supervision is also imposed on Mr Voda.
15. Mr Voda has 14 days to appeal this sentence if he disagrees with it.

**Dated at Port Vila this 21st day of December 2018  
BY THE COURT**

*G.A. Andrée Wiltens*  
Justice G.A. Andrée Wiltens

