

**BETWEEN: Public Prosecutor**

**AND: Marie Kalulu**  
*Defendant*

**Before: Justice Aru**

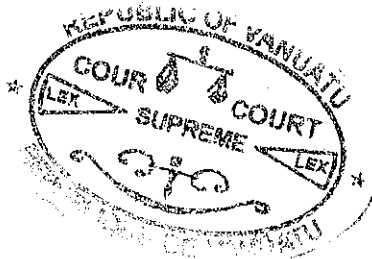
**Counsel: Mr. L. Young for the Public Prosecutor**  
**Ms. P. Kalwatman for the Defendant**

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**SENTENCE**

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1. MARIE KALULU you appear today for sentencing in this matter. You were charged with 15 counts of theft contrary to section 125(a) of the Penal Code [CAP 135]. The maximum penalty for the offence of theft is 12 years imprisonment. On 6 March 2018 you pleaded guilty to all the charges. You were then convicted accordingly.
2. These offences were committed between 1998 and 2002 when you were employed by the Government as a secretary within the department of Strategic Management. On 6 August 2010 a formal complaint was lodged with the Police by the Secretary of the Public Service Commission. The complaint alleged that you converted public money for your own personal use. An audit report carried out confirmed that a total amount of VT 5,610,500 was misappropriated. The audit also revealed that false receipts were produced to conceal the fact that public funds were used for your own personal needs. You convinced your supervisors to approve the expenses and retired the receipts to the department of finance. When cautioned by the Police you admitted to falsifying receipts, LPO's and accountable impress and used the money for personal needs. You stole public money.
3. As an employee of the Government, you breached the trust placed on you to safeguard the use of public money within the department that you served. Although the monies were taken in small amounts the total amount stolen from the Government is quite substantial. Your actions were clearly planned and systematic as you produced false receipts for the monies taken and falsified LPO's to avoid detection. These were repeated over a period of time.

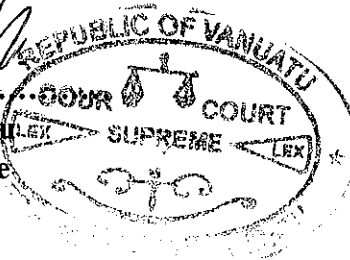


4. Having considered some of the cases referred to me , namely : **Public Prosecutor v Mala** [1996]VUSC 22 , **Public Prosecutor v Tureleo** [1995] VUSC 16 and **Public Prosecutor v Simon** [2012] VUSC 246, I am of the view that a custodial sentence is therefore warranted to reflect the seriousness of your offending and to serve as punishment for your crimes. It will also serve as a deterrence to like-minded individuals from similar offending.
5. I adopt a starting point of 5 years imprisonment.
6. Counsel on your behalf submits that you are now 62 years old and married with 6 children. You also have 9 grandchildren. It was submitted that you were the only breadwinner and due to family pressures you stole money from your employer .I do not accept that as mitigation for your offending. You are a first time offender though and you pleaded guilty at the earliest opportunity. You have shown that you are remorseful and recognise that what you did was wrong.
7. For your early guilty plea you are entitled to a one third discount which reduces your sentence rounded of to 3 years imprisonment. I deduct a further 12 months recognising the remorse you have shown and the anxiety endured over the years with the delay in prosecution. Your end sentence is therefore 2 years imprisonment concurrent on each count.
8. Considering the particular circumstances of this case alone, I am of the view that it would not be appropriate to suspend the whole sentence given the seriousness of the offending. On the other hand there has been an unreasonable delay of 16 years in prosecuting this case. The end sentence will only be suspended in part. 12 months is suspended for a period of one year. You will serve the remaining 12 months in custody effective from today.
9. You have 14 days to appeal if you are not happy with the decision.

**DATED at Port Vila, this 18<sup>th</sup> day of May, 2018**

**BY THE COURT**

  
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**D. Ati**  
**Judge**

  
REPUBLIC OF VANUATU  
COURT  
SUPREME COURT  
LEX SUPREME LEX