

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

Criminal
Case No. 22/2766 SC/CRML

PUBLIC PROSECUTOR

v

**JEREMIAH KRELLY
MANUA ALICK IASI
TOM JACK YASUA
ALEX ONTIMAS**

Date: 16 December 2022
Before: Justice V.M. Trief
In Attendance: Public Prosecutor – Mr C. Shem
Defendant – Ms L. Bakokoto

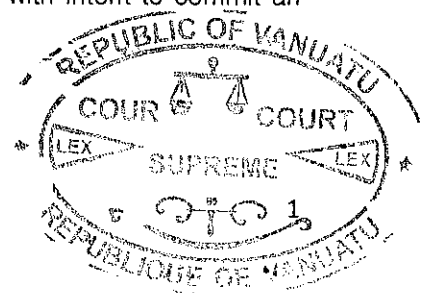
SENTENCE

A. Introduction

1. The Defendants Jeremiah Krelly, Manua Alick Iasi, Tom Jack Yasua and Alex Ontimas pleaded guilty to intentional assault (Charge 5). Mr Krelly and Mr Iasi additionally pleaded guilty to unlawful entry (Charge 2) and theft (Charge 3). Finally, Mr Krelly pleaded guilty to malicious damage to property (Charge 1) and a separate charge of theft (Charge 4).
2. The Defendants are convicted on their own pleas and the admitted facts.

B. Facts

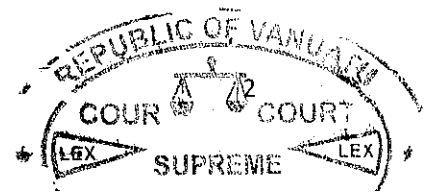
3. On 3 July 2022 at around 8pm, Mr Krelly cut the mosquito screening of a window on police officer Christina Liu's house at Bladiniere Estate area in Port Vila, removed the louvers and entered the house (Charge 1). Ms Liu had left the house on 28 June 2022 to visit and stay at her parents' house.
4. Mr Krelly then let Mr Iasi into the house which they entered with intent to commit an offence (Charge 2).



5. Mr Krelly and Mr Iasi took and carried away from Ms Liu's house VT184,600 cash, 2 pairs of Police boots, groceries worth VT7,000 and clothes (Charge 3). VT92,000 and the boots were recovered and returned to Ms Liu.
6. On 20 August 2022, Mr Krelly, Mr Iasi, Mr Yasua and Mr Ontimas stopped a truck near Grace Baptist School at Bladiniere Estate area. They surrounded one of the passengers Mr Wari Roger Bal and hit him in the head with a Tusker bottle causing him temporary injury (Charge 5).
7. In the course of the assault, Mr Krelly removed and carried away an island basket from the truck containing VT217,000 cash and 2 wallets belonging to Mr Bal (Charge 4). None of the property was recovered.
8. The Defendants made full admissions to the Police.

C. Sentence Start Point

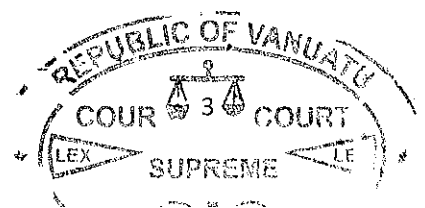
9. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.
10. The maximum sentences prescribed in the *Penal Code* [CAP. 135] are:
 - a. Unlawful entry of residential dwelling – 20 years imprisonment (subs. 143(1));
 - b. Theft – 12 years imprisonment (s. 125(a));
 - c. Intentional assault causing temporary injury – 5 years imprisonment (s. 107(b));
and
 - d. Malicious damage to property – 1 year imprisonment (s. 133).
11. The mitigating factor of the 3 July 2022 offending is that half of the stolen money and the police boots were returned to Ms Liu.
12. There is no mitigating aspect of the 20 August 2022 offending.
13. The offending by Mr Krelly is aggravated by:
 - Criminal enterprise;
 - The offending occurred at night time;
 - There was some planning involved;
 - Repeated offending;
 - The fear caused to the victims;
 - The loss suffered with no prospect of reparation or return of the balance of the property stolen on 3 July 2022 or of any of the property stolen on 20 August 2022;
and



- The use of a bottle as a weapon targeting the most vulnerable part of the victim's body, his head.
14. The factors set out above require a global sentence start point for Mr Krelly of 3 years imprisonment.
15. The offending by Mr Iasi is aggravated by:
- Criminal enterprise;
 - The offending occurred at night time;
 - There was some planning involved;
 - The fear caused to the victims; and
 - The loss suffered with no prospect of reparation or return of the balance of the property stolen on 3 July 2022; and
 - The use of a bottle as a weapon targeting the most vulnerable part of the victim's body, his head.
16. The factors set out above require a global sentence start point for Mr Iasi of 2 years 6 months imprisonment.
17. The offending by Mr Yasua and Mr Ontimas is aggravated by:
- Criminal enterprise;
 - The offending occurred at night time;
 - The fear caused to the victims; and
 - The use of a bottle as a weapon targeting the most vulnerable part of the victim's body, his head.
18. The sentence start point for Mr Yasua and Mr Ontimas is 18 months imprisonment.

D. Mitigation

19. The Defendants pleaded guilty at the first opportunity and cooperated with the Police. Accordingly, one third is deducted from the sentence start points.
20. Mr Krelly is 17 years old. He has no previous convictions. A further 6 months is deducted from the sentence start point for his personal factors including his youth and immaturity.
21. Mr Krelly committed the 20 August 2022 offending whilst on bail.
22. Mr Iasi is 17 years old. He has no previous convictions. A further 6 months is deducted from the sentence start point for his personal factors including his youth and immaturity.
23. Mr Iasi committed the 20 August 2022 offending whilst on bail.



24. Mr Yasua is 22 years old. He has no previous convictions. A further 3 months is deducted from the sentence start point for Mr Yasua's personal factors.

25. Mr Ontimas is 19 years old. He has no previous convictions. A further 4 months is deducted for his personal factors including his youth and immaturity.

E. End Sentence

26. Taking all matters into account, the end sentences imposed concurrently are as follows:

a. Jeremiah Krelly:

- i. Unlawful entry (Charge 2) 18 months imprisonment;
- ii. Theft (Charges 3 and 4) 18 months imprisonment;
- iii. Intentional assault causing temporary injury (Charge 5)
9 months imprisonment; and
- iv. Malicious damage to property (Charge 1) 4 months imprisonment.

b. The sentences for Mr Krelly are back-dated to commence from 24 August 2022 as he has spent 114 days in custody.

c. Manua Alick Iasi:

- i. Unlawful entry (Charge 2) 14 months imprisonment;
- ii. Theft (Charge 3) 14 months imprisonment; and
- iii. Intentional assault causing temporary injury (Charge 5)
9 months imprisonment.

d. The sentences for Mr Iasi are back-dated to commence from 24 August 2022 as he has spent 114 days in custody.

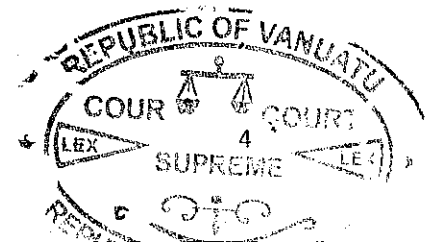
e. Tom Jack Yasua:

- i. Intentional assault causing temporary injury (Charge 5)
9 months imprisonment.

f. Alex Ontimas:

- i. Intentional assault causing temporary injury (Charge 5)
8 months imprisonment.

g. The sentence for Mr Ontimas is back-dated to commence from 15 November 2022 as he has spent 31 days in custody.



F. Suspension of Sentence

27. The offending was serious. On the other hand, the Defendants' prompt guilty pleas, lack of previous convictions, youth and immaturity (where relevant) and prospects for rehabilitation count in favour of suspension of sentence. Mr Krelly and Mr Iasi have also learnt a lesson from their time served in custody. I am therefore prepared to suspend the Defendants' sentences for 2 years.
28. They are warned that if they offend again within the next 2 years, they will need to serve the sentences imposed today in addition to any other penalty that may be imposed on them for the further offending.
29. In addition, the Defendants are ordered to each complete 100 hours of community work.
30. The Defendants have 14 days to appeal.

**DATED at Port Vila this 16th day of December 2022
BY THE COURT**


Justice Viran Molisa Trief

