

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

Criminal  
Case No. 19/2382 C/CRML

BETWEEN: Public Prosecutor

AND: Amos Bong  
Defendant

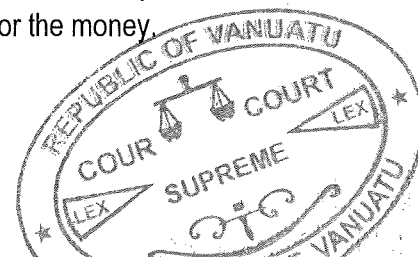
**Date of Plea:** 4<sup>th</sup> October 2019  
**Date of Sentence :** 17<sup>th</sup> December 2019  
**Before:** Justice Oliver Saksak  
**In Attendance:** Simcha Blessing for Public Prosecutor  
Pauline M Kalwatman for Defendant

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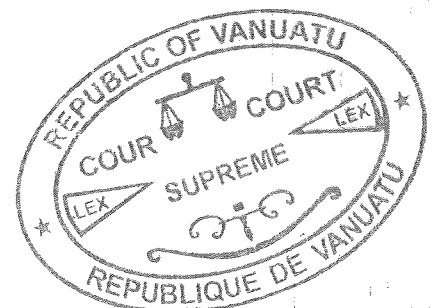
SENTENCE

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1. Amos Bong you are for sentence today for having pleaded guilty to 2 Counts of Obtaining moneys by deception on 4<sup>th</sup> October 2019. You were initially charged with 4 Counts but you pleaded not- guilty to the two charges in counts 1 and 2 but the prosecutions entered nolle prosequi and these two charges were discharged.
2. Under section 130B of the Penal Code Act Cap 135 the maximum penalty for this offence is 12 years imprisonment.
3. You took money from the victim Jeffrey Alick on two separate occasions. The first time was on or about 17 May 2019 when you deceptively took VT 50,000. The second time was on or about 20 May 2019 when you took a large amount of VT 600,000.
4. Jeffrey Alick had returned from Australia from employment under the RSE Scheme on 11 May 2019. He went to inspect used vehicles at Carpenters Motors with intent to purchase one. On 17 May 2019 Mr Alick met you at Carpenters. You wore clothes that resembled Carpenter Motors uniform. You then approached Mr Alick and introduced yourself to him as an employee of the company. This was in fact a lie on your part. You lied to Mr Alick that your name was Chris. Mr Alick told you he wanted to buy a vehicle. He asked you to direct him to the sales manager. You lied to him again that all your colleagues were out of office at the time and that you were the only person available. You then told Mr Alick that you had a better offer. You then asked Mr Alick to give you money and that you would buy a vehicle under your name and to use your assets as guarantee. Mr Alick agreed to your proposed alternative and you asked him for VT 50,000 in order to get the paper work started. Mr Alick converted his Australian Dollars amounting to VT 50,000 and gave you the money later that day. You received the money and told him he needed to pay VT 600,000 on the following Monday which was on 20<sup>th</sup> May 2019. Mr Alick paid this money over to you at Elluk. You did not provide a receipt for the money.



5. You then gave the VT 600.000 to your father Josiah Bong, who asked you where you had taken the money. You lied to him again that the money belongs to former Members of Parliament who had been imprisoned for bribery and corruption. You advised Josiah Bong to come to Carpenter Motors with Mr Alick for a test drive. On 21<sup>st</sup> May 2019 you all went together to Carpenters for a test drive. A Mr Graham gave the keys to your father. After the test drive you took Mr Alick and your father home and advised them to wait for your call after completing all paperwork expected to be released in the following week. Mr Alick asked that extra large wheels and a bumper be fitted and you assured him these would be done.
6. Mr Alick's father went to Carpenters after no call had been received from you. He asked for Chris and was told he had travelled overseas. Mr Alick called you to confirm whether you had gone overseas. He was shocked when you answered the phone and told you about the enquiry made by his father at the office. You lied to Mr Alick that you had not travelled and that the "Chris" his colleagues had mentioned was the other Chris who was your boss. You then told Mr Alick that the papers were almost ready and warned him not to go to the office so his colleagues would not know he was offering him another deal. You then asked Mr Alick and assured him the papers would be ready in the afternoon and the vehicle would be delivered to him. Mr Alick waited until afternoon but you failed to deliver. Mr Alick and his relatives called you many times but you never answered their calls.
7. From those facts clearly you had taken VT 650,000 from Mr Alick deceptively. You lied deliberately that your name was Chris and that you were an employee of Carpenters Motors. You wore clothes that were deceptive to Mr Alick and to other prospective customers of the Company. You also lied you were the only available person on 17 May 2019. Your alternative offer to Mr Alick was a sham. And you have previous convictions for this same offence and theft in October 2018 in the Magistrate Court. These are the aggravating features of your offendings.
8. In assessing your appropriate sentence I have only been assisted by the prosecution submissions filed on 16 December 2019. Defence Counsel filed very late submissions and there is no pre-sentence report. The Court issued a time table order on 30 October 2019. Probation Service and defence counsel have not complied and it is now 3 months since those directions. No further delay can be allowed.
9. In the circumstances I accept the submissions of the prosecution. In my view the appropriate sentence for your offending will be a sentence of imprisonment without suspension.
10. And taking all the aggravating features together with the seriousness for the offence committed, I convict and sentence you to a starting sentence of 4 years imprisonment. There is an uplift of 2 years for your previous offendings and convictions. You should have learned from these but they have not deterred you in the least. Your sentence is now increased to 6 years imprisonment



11. In mitigation the only factor I accept to reduce your sentence is your guilty plea at first opportunity on 4<sup>th</sup> October 2019. In doing so you saved time and costs of otherwise quite a long trial. But in my view it will not be for the full 1/3 allowance. It will be for only half, which is actually 1 year.
12. Your end sentence is therefore 5 years imprisonment.
13. Your sentence of 5 years imprisonment is backdated to 8 June 2019 when you were first remanded into custody in the Magistrate Court.
14. That is your sentence. You have a right of appeal against the sentence if you do not agree with it.

**DATED at Port Vila this 17<sup>th</sup> day of December 2019**

**BY THE COURT**

  
**OLIVER.A.SAKSAK**

**Judge**

