

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

**Criminal**  
**Case No. 21/2803 SC/CRML**

**PUBLIC PROSECUTOR**

**v**

**RIU AKA**

*Date:* 5 November 2021  
*Before:* Justice V.M. Trief  
*Counsel:* Public Prosecutor – Ms L. Lunabek  
Defendant – Mrs K.B. Karu

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**SENTENCE**

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A. Introduction

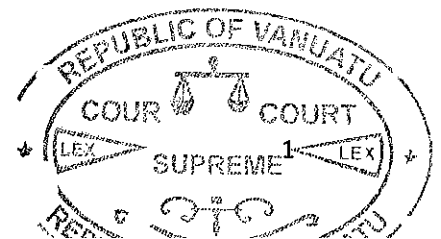
1. Mr Aka pleaded guilty to unlawful entry and theft. He accepted the brief of facts and was accordingly convicted on his own plea and the admitted facts.

B. Facts

2. Mr Aka is an employee of Vanuatu Island Traders.
3. On 22 May 2021, Mr Aka and 2 others walked from Fresh Wota area to Stella Mare area. Mr Aka entered the Vanuatu Islander Traders warehouse with a key while the other 2 remained outside. He stole VT7,000 from the warehouse.
4. Mr Aka admitted to the Police that he stole the warehouse key and went inside the warehouse. He told the Police that he did not steal any money.

C. Sentence Start Point

5. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.



6. The maximum sentences prescribed in the *Penal Code* [CAP. 135] are:
    - a. Theft (s. 125(a)) – 12 years imprisonment; and
    - b. Unlawful entry (subs. 143) – 10 years imprisonment.
  7. There are no mitigating factors however the offending is aggravated by:
    - Premeditation; and
    - Breach of trust.
  8. The factors set out above require a global sentence start point of 18 months imprisonment.
- D. Mitigation
9. Mr Aka partially cooperated with the Police and pleaded guilty at the first opportunity. For these factors, I deduct 33% from the sentence start point.
  10. Mr Aka is 32 years old. He has no previous convictions. He was in custody from 28 May 2021 to 20 August 2021 – an effective sentence of almost 6 months.
  11. Taking all matters into account, the end sentences imposed on both charges is 200 hours of community work.
  12. I also accept Mr Aka's offer of reparation. Accordingly, Mr Aka is to pay VT7,000 to Vanuatu Islander Traders by 4pm on 31 January 2022.
  13. Mr Aka has 14 days to appeal.

**DATED at Port Vila this 5<sup>th</sup> day of November 2021  
BY THE COURT**

  
Justice Viran Molisa Trief

