

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

**Criminal
Case No. 21/3737
SC/CRML**

**BETWEEN: The Public Prosecutor
Prosecutor**

**AND: Ali Peter
Defendant**

**Coram: Justice Aru
Counsel Mr. L. Young for the Public Prosecutor
Mr. H. Vira for the Defendant**

SENTENCE

Introduction

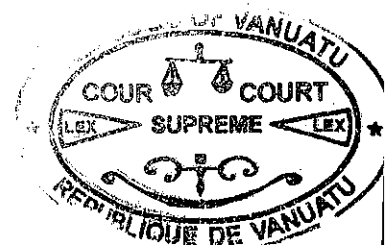
1. Mr Ali Peter pleaded guilty to one count of unlawful entry of a dwelling house and one count of theft.

The facts

2. On 11 September 2021 between 3.00 pm and 8.30 pm when the complainant was out of her home at Pangona , the defendant turned off the electricity connection and entered the house through the terrasse door and removed the phone plug from its socket . He then took the following items and left:-
 - A black laptop styled Fujitsu life book E556 15.6”
 - Laptop charger and mouse
 - Yellow solar lamp ; and
 - Black alarm clock
3. The laptop was sold for VT 10,000 but was later recovered. When the defendant was arrested and cautioned, he admitted the offending and the fact that he sold the laptop.

Starting point

4. The maximum sentence available for unlawful entry of a dwelling house used for human habitation is 20 years imprisonment. For theft the maximum sentence is 12 years imprisonment. The offending is aggravated by the fact that there is some planning involved. The complainant suffered a second loss by having to pay a reward to recover the laptop and some of the items were never recovered.



5. There are no mitigating factors of the offending.
6. The lead offence in this case is unlawful entry of a dwelling house. I therefore set an overall starting point of sentence at 3 years imprisonment.

Personal factors

7. First is the guilty plea .The defendant entered a guilty at the first available opportunity .The sentence will be reduced by the full one third discount.
8. No Pre-Sentence Report was filed as directed. Mr Vira on behalf of his client submits that the defendant has spent roughly 35 days in custody and that he is a young offender. It was submitted that he was ready to do custom reconciliation.
9. The sentence is further reduced by 12 months.

End sentence

10. The end sentence is 1 year imprisonment on the lead offence. For theft the defendant is sentenced to 4 months imprisonment to be served concurrently.
11. In addition the sentence will be suspended for a period of 2 years and the defendant will perform 150 hours of community work.
12. The defendant has 14 days to appeal if he disagrees with the decision.

DATED at Port Vila this 15th day of December, 2021

BY THE COURT

