

PUBLIC PROSECUTOR

V

WILFORD PATUNVANU

Date of Sentence: 28th day of February, 2022 at 10:00 AM

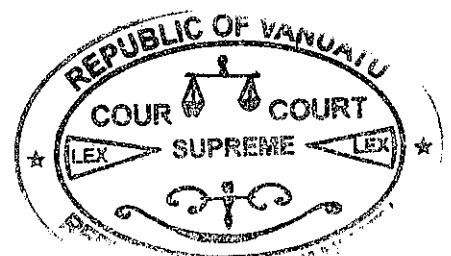
Before: Judge E Goldsbrough

Appearances: Laura Lunabek for the Public Prosecutor

Andrew Bal for the Accused

SENTENCE

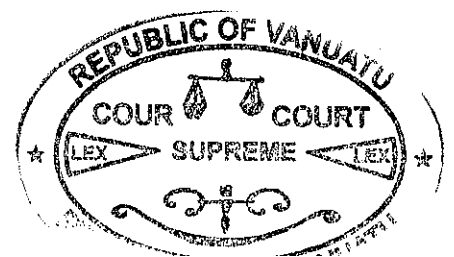
1. Wilford Patunvanu pleaded guilty to forgery and obtaining property by deception. He presented a forged withdrawal slip to BSP Bank and withdrew VT 470,000 with that forged slip. The account from which the money came was a company account with which Mr Patunvanu was associated through his family. The loss was discovered and, following that discovery, the money was repaid. In addition, from remorse, a further amount of VT 65,000 was deposited making a total reimbursed of VT 535,000. The unauthorized withdrawal took place on 1 March 2019 and the repayment by May 2019.
2. The offending took place because the defendant was in debt to another. He paid off that debt by forging the signature of his brother on a bank withdrawal slip and taking money out of a company account. But the withdrawal was unauthorized and discovered. This was in March 2019. The money was repaid in May 2019.
3. Following the filing of the information in December 2021 the defendant appeared in answer to the two charges on 1 February 2022 and pleaded guilty. Whilst he had made no admission to the police during an interview (I will tell my story in Court), he had previously made admissions to the company representative and had already made full reimbursement.



4. The brief of facts filed with the information was read to the Court in full and counsel for Mr Patunvanu indicated that his client agreed with those facts.
5. The only features of aggravation presented in this case were the dishonest conduct directed towards family members. His two brothers and two sisters in law. It is also pointed out that no admission was made until after the loss had been discovered.
6. Forgery attracts a maximum penalty of 10 years imprisonment and obtaining by deception 12 years imprisonment.
7. The prosecution suggests a starting point between 18 and 22 months imprisonment.
8. In submissions, defence counsel referred to *Gamma v Public Prosecutor* [2021] VUCA 62 which referred to several earlier authorities from both the Court of Appeal and the Supreme Court. Given that in *Gamma* the offending involved four counts of misappropriation and two counts of forgery and three times the value obtained in this case and following on the advice contained in *Gamma* :-

“Where the amounts involved cannot be described as small but less than 1 million or thereabouts 18 months is appropriate.”

this Court finds that a starting point of 18 months imprisonment is appropriate.
9. From that starting point of 18 months, credit is due for an early plea of guilty. As far as personal factors are concerned, the defendant is of previous good character, has demonstrated remorse and made swift reimbursement. From the pre-sentence report, it is noted that the defendant does not need supervision but is prepared to undertake work for the community under a community-based sentence.
10. For the personal factors, a further 4 months is deducted from the starting point and 2 additional months given the delay between the offending and the laying of the information, some two and one-half years. The effect of those various reductions leaves an effective sentence of imprisonment of 6 (SIX) months which is suspended for 18 months. As continued supervision is not regarded as necessary and since the offending was within his own family rather than against the community no further orders are imposed.



11. The sentence of the court is for the one count of forgery SIX months imprisonment and the one count of obtaining property by deception SIX months each to run concurrently and both suspended for a period of EIGHTEEN months.

12. The defendant was advised that he has 14 days within which to file an appeal against sentence should he wish to do so.

DATED at Port Vila this 28th day of February, 2022

BY THE COURT

E Goldsbrough
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E Goldsbrough
Judge of the Supreme Court

