

**PUBLIC PROSECUTOR**

**v**

**YONI MOLSUL**

**Coram:** Justice Oliver A. Saksak

**Counsel:** C Shem for the State  
KB Karu for the Defendants

**Date of Plea:** 15 November 2023

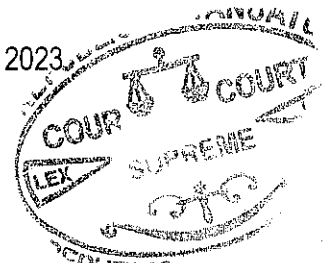
**Date of Sentence:** 13 December 2023

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**SENTENCE**

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1. The Defendant Yoni Molsul pleaded guilty to one count of unlawful entry into a dwelling house and to one count of theft. He is for sentence today.
2. By his own guilty pleas the defendant admitted entering the compound and house of Peter Yauko where he stole a Samsung Galaxy Smart Phone valued at VT23,000, a JBL Speaker worth VT30,000, a tin of money containing VT24,340 and another tin of money containing VT174,050. The total money stolen was VT251,390. All the money was used up by the defendant.
3. On 22 October 2023 the defendant, his mother and sister went to the victim's house at Freshwater and reconciled with Mr Peter Yauko by presenting one local mat, a 20 yard calico and cash of VT20,000.
4. At the ceremony it was agreed between them that the defendant will refund the sum of VT100,000 plus VT45,000 for the JBL Music Player which is a total of VT145,000.
5. Following the agreement the defendant paid VT20,000 on 29 October 2023 and a further VT20,000 on 2 November 2023. He still has to pay the balance of VT95,000.
6. Mr Peter Yauko disclosed this confirmation to the Public Prosecutor on 5 December 2023.



7. The offence of unlawful entry into a dwelling house is very serious as it attracts the maximum penalty of 20 years imprisonment. And theft attracts the maximum penalty of 12 years imprisonment.
8. By comparison this case is a little more serious in terms of amount of money, than the cases of PP v Akuma [2023] VUSC 145 and PP v Philip [2023] VUSC 223.
9. In my view the defendant's offendings warrant a custodial sentence but which should be suspended.
10. Accordingly I convict and sentence the defendant as follows:
  - (a) For unlawful entry, a start sentence of 3 years imprisonment concurrent with the sentence for the theft offence;
  - (b) For theft, a start sentence of 2 years imprisonment concurrent.

The total concurrent sentence is 3 years imprisonment.

11. In mitigation, I consider first his guilty pleas and allow a 1/3 reduction. 1 year is taken off leaving 2 years as the balance.
12. For his other mitigating factors such as his young age, being a first time offender with no previous criminal record, his custom reconciliation showing remorse and his agreement to repay all monies he stole to Mr Yauko, I deduct 8 months for all these factors.
13. The defendant's end sentence therefore shall be 1 year and 4 months imprisonment.
14. I take into account the circumstances of the defendant and order that his end sentence be suspended for a period of 2 years from the date hereof, on good behavior under Section 57 of the Penal Code Act. He must remain offence-free during this period. If he should reoffend, he will go to prison to serve his balance of the sentence if he is charged and convicted.
15. That is the sentence of the Court. He may appeal against this sentence within 14 days if he so chooses.

**Dated at Port Vila, this 13<sup>th</sup> day of December, 2023**

**BY THE COURT**

.....  
**Oliver A. SAKSAK**  
**Judge.**

