

BETWEEN: Public Prosecutor

AND: Nerry Ulas
Defendant

Before: Judge Oliver A Saksak

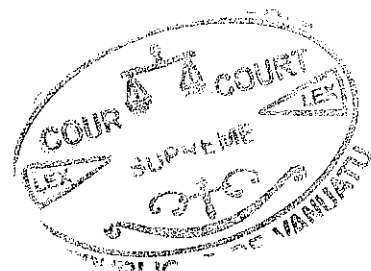
Counsel: Mr Christopher Shem for Public Prosecutor
Mrs Kylie Karu for Defendant

Date of Plea: 7th November 2023

Date of Verdict: 13th December 2023

SENTENCE

1. The defendant Nerry Ulas pleaded guilty to 16 charges of obtaining money by deception on 7th November 2023. She is for sentence today.
2. Between the periods from March to July 2023 the defendant deceitfully and dishonestly obtained monies from 2 victims totaling VT 3,662,000. Of this sum VT 2,973,000 was taken from James Jimmy and VT 689,000 was taken from Dorethy Nanua.
3. The full facts of the case are contained in the summary of facts as amended filed on 7th November 2023. The defendant has accepted those facts.
4. On the defendant's own guilty pleas, she is accordingly convicted and sentenced.
5. Obtaining money by deception is a serious offence under section 130B of the Penal Code Act which carries the maximum penalty of 12 years imprisonment.
6. The following aggravating factors were available from the facts:
 - a. The large amount of money taken
 - b. Two victims were involved.
 - c. Degree of premeditation and planning involved.
 - d. Repeated actions over a period of 5 months.
 - e. No prospect of repayment of monies



- f. The blemished record of the defendant and past convictions for the same offences in 2021 and 2022.
7. There are no mitigating circumstances.
8. Taking all those factors into account I accept the start sentence for the defendant is to be 5 years imprisonment.
9. I therefore sentence the defendant to a start sentence of 5 years imprisonment on each of the 16 counts to run concurrently.
10. In mitigation, I allow the full 1/3 remission of the sentence for her guilty plea which is 1 year 8 months. For her other personal factors, her balance of the sentence is reduced by a further 4 months.
11. Her end sentence is 3 years imprisonment. The sentence will not be suspended as there are no exceptional circumstances.
12. This sentence is backdated to 20th October 2023 to account for the time she had spent in custody.
13. Section 50 of the Penal Code Act is not applicable to her, but she does have the right to appeal against the sentence if she so chooses.

DATED at Port Vila this 13th day of December 2023

BY THE COURT


Oliver A. Saksak

Judge

