

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

Criminal
Case No. 25/2189 SC/CRML

BETWEEN: Public Prosecutor

AND: Norman Kalsei
Defendant

Coram: Justice Dudley Aru
Counsel: Ms. J. Tete the Public Prosecutor
Ms. B. Taleo for the Defendant

SENTENCE

Introduction

1. Norman Kalsei pleaded guilty to 4 counts of unlawful entry, 5 counts of theft and 1 count of possession of cannabis substance. He is convicted on his guilty plea. This is his sentence.

Facts

Counts 1 and 2

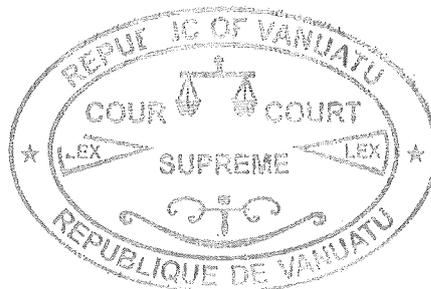
2. On the night of 26 February 2025 around 1 am, the defendant entered the yard and house of the first victim Caleb Garae at Solomon Hill. At that time the occupants of the house were asleep. The defendant entered the yard and stole a grey mountain bike that was placed under a tree. He then entered the house and went into the bedroom of the victim's daughter Vanelyne Tarinamoli while she was sleeping and took her mobile phone and left.

Count 3

3. On 5 March 2025 around 9pm the defendant went to Caleb Garae's store at Solomon Hill and asked if the store was selling cigarettes. A Catherine Aru who was the store keeper told him they did not sell cigarettes then went outside and upon her return a few minutes later she noticed that the cash box and a phone used for credit top ups in the store was missing. The cash box contained cash totalling up to VT 8,000.

Count 4 and 5

4. In the afternoon of 11 March 2025 at around 2pm Caleb Garae left his house and went to Santo East school and on his return noticed that a JBL Party Box speaker in the house was missing. The speaker was in his daughter's room. He suspected that the thief must be someone from the same street they were living along.
5. On 31 March 2025 Vanelyne Tarinamoli was taken to the Police CID office and she identified the speaker which was confiscated by the Police from the defendant. It was the same speaker that went missing from her room on 11 March 2025.



Count 6 and 7

6. On 22 March 2025 the second victim Kennedy Nawen also a resident of Solomon Hill was attending church with his family. On their return in the afternoon, they noticed that someone had broken into their home and stole a white Lenovo Laptop, a green jacket and a black pistol torch. He suspected that the defendant had broken into his home and took the missing items as he was unemployed but was seen drinking on the morning of 23 March 2025.
7. On seeing that the defendant was drunk, Kennedy Nawen and a Samuel Nisa went to his residence and began enquiring with the defendant's relatives about the break in at his house the day before. The defendant then admitted taking properties in Kennedy's house and Colineth's house. The Police were alerted and came to the defendant's house and he showed them where he kept all the stolen items. The Police officers confiscated all the stolen items belonging to Kennedy Nawen and these were returned to him.

Counts 8 and 9

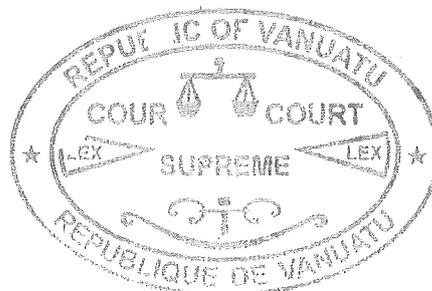
8. On 22 March 2025 at Solomon Hill area the third victim Colineth Tavoia and her family went to Matevulu College to visit her daughter. Upon returning in the evening they noticed that someone had entered their yard and that certain clothes hanging on the clothes line were missing. Further inspection inside the house revealed that someone had broken into the house through the back door and had taken monies, a black Lenovo laptop and a JBL speaker.
9. On the 23 March 2025 the police returned the items taken from Colineth's house to her. The Police had confiscated these items from the defendant's house where he kept all the stolen items including those taken from Kennedy Nawen.

Count 10

10. On 23 March 2025 the Police conducted a body search on the defendant and a branch of what they suspected to be a cannabis plant was found in the right pocket of the defendant's trousers and he was then arrested.
11. A test was conducted on 24 March 2025 on the substance found in the defendant's pocket. The test results confirmed that the substance was cannabis with a total net weight of 0.035grams. On the same day the defendant admitted having cannabis in his pocket to the Police.
12. The defendant admitted all the charges to the Police when he was interviewed.

Sentence start point

13. The sentence start point is assessed by have regard to the maximum sentence available as well as any aggravating or mitigating factor. The maximum sentence available for unlawful entry of a dwelling house used for human habitation is 20 years imprisonment. For theft the maximum sentence available is 12 years imprisonment and for possession of cannabis substance the maximum sentence available is a fine not exceeding VT 100million or a term of imprisonment not exceeding 20 years.
14. The offending is aggravated by the fact that there was some degree of planning, the offending was repeated and some victims suffered financial loss as their monies were never recovered or returned to them.



15. Both the prosecution and Counsel for the defence submit that the starting point should be a global figure to be served concurrently of between 3 to 5 years imprisonment.

16. I adopt a global concurrent starting point of 5 years imprisonment.

Guilty plea and personal factors

17. The guilty plea was entered at the first available opportunity therefore the sentence start point will be discounted by 30 %.

18. The Same Day Report was not filed as directed however Counsel helpfully provides some personal factors about the defendant. He is 24 years old, he lives in a de facto relationship with his wife and has a son. He earns his living through farming and at times is employed to work on repairing roads. He left school at year 7.

19. Considering the defendant's personal factors, the sentence start point is further reduced by 3 months.

End sentence

20. I sentence the defendant to a concurrent end sentence of **3 years imprisonment effective from 24 March 2025 when he was first remanded into custody.**

21. The defendant has 14 days to appeal if he is not satisfied with the decision.

DATED at Luganville, Santo this 29th day of August, 2025

BY THE COURT

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Dudley Aru
Judge

