

JOINT COURT OF THE NEW HEBRIDES

CONDOMINIUM

v.

CHARLES TURGORLEN

JUDGMENT

The accused, CHARLES TURGORLEN, represented by Mr. B. HALLET, of Counsel, acting Native Advocate, pleaded guilty to stealing on a date unknown between the 31st July, 1970 and the 1st August, 1970, \$100 the property of RICHARD ASH.


Mr. CAROLAN, of Counsel, acting Public Prosecutor, told the Court that Mr. ASH who was engaged on a geological survey in Vanua Lava, left camp one day in August leaving behind him in a plastic dish \$100. On his return he found the money missing and, when he was in a position so to do, reported it to the police. As a result of their investigation the accused was interviewed and on the 18th of October he made a statement admitting the offence. In the statement he told of a plan conceived by his mother to restore the money without suspicion falling on him. The plan was to place money in the thatch of a disused house and the mother would then pretend to have had a dream in which a man approached her and told her where the money was. As a result of this plan the mother, her husband and the Chief went to the disused house and in the thatch recovered \$102. In a mistaken belief as to their duty the police refunded \$22 to the accused because the accused told them he had already spent \$20 of the stolen money.

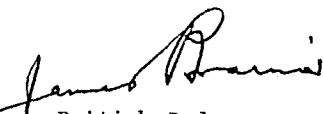
In mitigation Mr. Hallet pointed out the temptation there was for the accused to see \$100 lying unconcealed and unattended. He said the accused confessed when approached, and Mr. ASH would be at no loss. He pointed out that this was the first time that the accused, who is aged 28 years, married with two children, has been in any trouble.

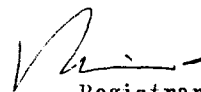
The Court accepts what Mr. HALLET says but cannot ignore the fact that the accused was first questioned two days before he told the truth.

The Court convicts the accused of the offence with which he is charged and sentences him to 14 days' imprisonment. The accused will be remanded in custody to await the decision of Their Honours the Resident Commissioners on the penalty imposed. If such is not forthcoming before the expiration of 14 days from today's date, the accused shall be released as if he had served the term of imprisonment imposed.

DATED at Vila this 17th day of November, 1970 ./.


French Judge


British Judge


Registrar