



IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU

Criminal Case No 48 of 1995

PUBLIC PROSECUTOR

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LEAH TURELEO

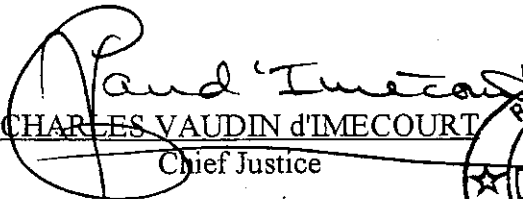
This is a classic case of dishonesty involving a gross breach of trust by a public servant. This defendant, a young woman, working for the Ministry of Transport at the time, stole just under 6 million vatu, an enormous sum of money in local terms, from her department. In order to operate the fraud, the defendant opened a bank account in the name of a fictitious company, into which she placed Government cheques made out as a result of false invoices that she created in the name of the none-existent company who had allegedly done work for the Ministry of Transport. The fraud went on for a period of 12 months and was only discovered as a result of the good work done by an employee of the Department of Finance who became suspicious about the number of payments being made to the fictitious company created by the defendant. She caused an audit to be carried out and the fraud then came to light. The defendant once arrested accepted fully her responsibility for the fraud and sought to involve nobody else. Subsequently in Court, through counsel, she sought to blame the then Minister of Transport, not by suggesting that he had benefited in anyway by the fraud, but by claiming that he was apparently aware of the fraud and that he had turned a blind eye to it because he was in love with the defendant. This was vehemently denied by the Minister, who claimed that he knew nothing of this matter until it was discovered. In any event it is not suggested that any of this money, which was all spent on the defendant and members of her family, went to the Minister or anyone else in the Department. The Minister has always claimed that the LPOs purporting to bear his signature, and there are only three or four in any event, are outright forgeries. The defendant when interviewed admitted forging some signatures of the Minister but not all. The greater majority of LPOs were signed by the first secretary in the Department. It is not claimed by the defendant that he knew anything at all about the fraud. I simply do not believe this defendant's account that the Minister knew about this fraud or that he turned a blind eye to her dishonesty because he was in love with her. In fact it is said on her behalf that the first secretary acted in complete ignorance. Why then should the Minister be in a better position than his first secretary regarding the fraud when, if anything, he would have had considerably less to do with the signing of any of the LPOs in this case. By any means, an inquiry should be conducted, if for no other reason but to clear the former Minister's good name and reputation. This fraud required some clever planning by the defendant who opened a bank account in the name of a fictitious company she called Nonda Constructions Limited. Then fictitious LPOs were presented to the first secretary or the Minister for his signature or their

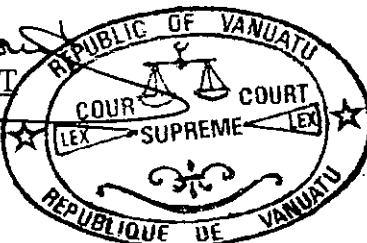
signatures were forged on the LPOs. Cheques were thus made out by the Department of Finance to the false company that were banked immediately by the defendant who just as quickly withdrew the money from the account and spent it on herself or members of her family. 776,000 vatu went as a deposit on a new taxi bought by the defendant. The rest I am told she cannot recall what she spent it on. I just do not believe that account at all. I think she knows very well what the money was spent on and that she has unjustly enriched herself with it. In this way the defendant over a period of a year, between April 1994 and April 1995 has dishonestly received almost 6 million vatu, the exact sum being 5,884,118 vatu. She pleads guilty, and as is almost always the case, she is a person of hitherto good character. It is urged upon the Court that if the defendant is not sent to prison immediately, she will repay the money, because apparently she has been offered employment by the Ministry of Finance. It is also urged upon the Court that she is unlikely to offend again.

Obviously this is a gross breach of trust by a senior and trusted employee working in a Government Department, which involves a very considerable sum of money over a lengthy period of time. Had it not been for the good work of the employee of the Department of Finance, this fraud would have continued. I have to consider the impact of this fraud on the public and the public confidence. Not only must I consider what would be an appropriate punishment for her but what would be of deterrent effect on others in public service who are entrusted with public funds. It would not have escaped anyone's attention that this lady has stolen funds belonging to the public of Vanuatu whom she was entrusted to serve. Such breaches of trust cannot in my view be dealt with by any other form of sentence except an immediate custodial sentence in spite of her plea and immediate admissions to the police. I am also told that she has young children. That cannot weigh at all with the Court which is only too well aware of the type of hardship that is brought upon themselves and their families by this type of offender.

Bearing in mind all that is urged upon me by learned counsel on behalf of the defendant, the least sentence that this Court is able to impose on the defendant in this case is one of 2 years' imprisonment on each of the counts to which she has pleaded guilty. The sentence will be concurrent on each count so that the total sentence will be 2 years' imprisonment. The sentence will commence on the 10 January 1996 if the defendant does not surrender herself to the prison before that date. She will, of course, benefit from one third remission for good behaviour. An order for restitution in the sum of 5,884,118 vatu is made against the defendant. The taxi number T 363 bought by the defendant will be seized and sold. The proceed thereof will go to the Government of Vanuatu. In addition any asset she may have in her name to the balance remaining after the sale of the taxi to the limit of 5,884,118 vatu will be sold and the proceed will be paid to the Government. I charge the prosecution to see that this order is enforced.

By order of the Court made on this 27th day of December 1995.


CHARLES VAUDIN D'IMECOURT
Chief Justice


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