

CRC 55-2002

**IN THE SUPREME COURT
OF THE REPUBLIC OF VANUATU** Criminal Case No. 55 of 2002
(Criminal Jurisdiction)

PUBLIC PROSECUTOR

-v-

JOHN BATTY

SENTENCE

You have pleaded guilty to misappropriation of Vt. 1,975,000 from your employer the National Bank of Vanuatu.

I give your credit for that plea of guilty and the fact you admitted it to the bank at an early stage and wrote down what you had done.

I also give your credit for the fact have no previous convictions. You are intelligent, well qualified and were building a good career. You have thrown that away. It was not one occasion of misappropriation it was three, although you say it was all in one day. It took some time before it was found out.

You have made an offer to pay all the money back by installments, although you have not in fact paid any back nor put any money aside.

You have many family dependants. They all look to you for support. Whatever happens, it will be hard upon them.

If an employee in a bank or institution is in a position of trust and breaks that trust the sentence, for a first time offender on a plea of guilty, is 6 to 9 months prison. I will reduce that to three months in view of the mitigation in your case.

The next question is whether to suspend that sentence or not. If this was not a position of trust as an officer in a bank I could consider suspension.

There is the important factor of deterrence. Any person in your position must know that if they steal customers or bank money they will go to prison. Although this was not a large, sum, it was by no means small or taken on a moment's temptation to which you fell and immediately regretted. I cannot suspend the sentence.

Sentence. Three months prison.

Informed of right of appeal.

Dated 24th January 2003

R. J.
R.J.COVENTRY
Judge

