

(Criminal Jurisdiction)

PUBLIC PROSECUTOR

VS.

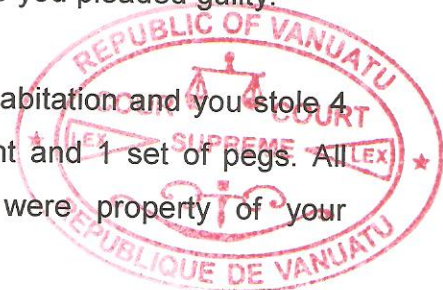
**HUXLEY BWIBWI
RARA KALOSAK NATO
SERU ULAS**

Mr Justice Oliver A. Saksak
Mrs Anita Vinabit – Clerk

Mrs Kayleen Tavo, Public Prosecutor
Mr Henzler Vira for the Defendant

SENTENCE

- (1) Seru Ulas, on 9th April 2009 you pleaded guilty to one charge of unlawful entry contrary to section 143(1) and to one charge of theft contrary to section 125(a) of the Penal Code Act Cap 135. The maximum penalty for unlawful entry to a building not used for human habitation is 10 years imprisonment and for theft is 12 years imprisonment. These high penalties reflect the seriousness of these offences.
- (2) Since your plea date until today you have faithfully attended Court on dates on which the case was called. This includes this morning when your case was called and adjourned to 2 O'clock this afternoon.
- (3) Your two colleagues Huxley Bwibwi and Rara Kalosak Nato were discharged and acquitted this morning for want of prosecution. You are the only accused left to be sentenced because you pleaded guilty.
- (4) You entered a building not used for human habitation and you stole 4 chainsaws, 1 water pressure, 2 cans of paint and 1 set of pegs. All these were recovered by police. These were property of your



employer. You entered the premises on more than one occasion. These are the aggravating features of your case.

- (5) Against these, I take into account of your early guilty plea, that you are a first-time offender, that you cooperated very well with the police and with the Court by faithfully attending Court every time your case was called. Further that you were only 15 years of age at the time of offending in 2007. Your pre-sentence report reveal the reason for your offending being for non-payment of any wages by your employer during the time of your temporary employment as a casual labourer.
- (6) Taking these factors into account, I consider that the Court should show some leniency to you and to impose a sentence that would assist you to be rehabilitated and reintegrated back into the community, and to help you as a young man not to re-offend in future.
- (7) The Probation Officer and the Public Prosecutor have recommended a sentence of supervision. Your Counsel supports that option as the appropriate sentence for you. This option is available under Section 58 F(1) (a) and (2) of the Penal Code Act as amended.
- (8) You are therefore convicted as charged and sentenced for the two charges respectively to a sentence of supervision for a period of 12 months.
- (9) That is the sentence of the Court.

DATED at Luganville this 8th day of April 2010.

BY THE COURT


OLIVER A. SAKSAK
Judge

