

**PUBLIC PROSECUTOR -v- MAKI MENTO**

**Coram:** Chief Justice Vincent Lunabek

**Counsel:** Mr Gregory Takau for the Public Prosecutor  
Mr Andrew Bal for the Defendant

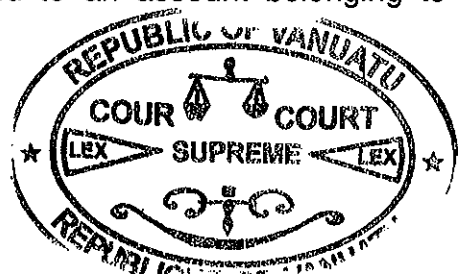
**SENTENCE**

Mr Maki Mento, this is your sentence on two charges. On 4 May 2010, you pleaded guilty to one count of Theft, contrary to section 125(a) of the Penal Code Act and one count of Obtaining Money by Deception, contrary to section 130(b) of the Penal Code Act [CAP.135]. Both offences of Theft and Obtaining Money by deception have each a maximum sentence of 12 years imprisonment.

You are 43 years of age and you have five children. They attend the following schools: University of the South Pacific, Onesua College, Malapoa College, Sainte Jeanne d'Arc and Kawenu Primary School. The facts of this case are this.

You were a bank officer at Westpac Bank at Port-Vila. You started your career in ANZ Bank and you ended it at Westpac Bank. You work for Westpac for 10 years as a Team Leader.

On or about the 25<sup>th</sup> of November 2009, the complainant, Mr Josiah Kalfabun, a Westpac Banking Officer made a statement to the police against you to have fraudulently converted funds from a Bank owned mastercard/visa cash advance account No.9246800 during the period, between the 5<sup>th</sup> of September 2005 to the 17<sup>th</sup> of November 2009. The funds were credited to an account belonging to a



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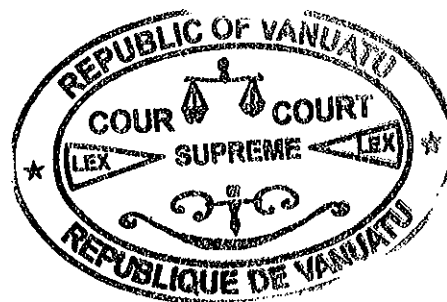
customer Wilson Joel which was no longer used by the customer. You credited a total of VT16,338,250 and then wrote off the debits in account No.0246800/5300 to FX gain and loss account No.9460700/5300. You then converted the funds in Wilson Joel's account to your own personal use using your visa Debit card No.469552800000031.

On or about the 23<sup>rd</sup> of November 2009 you were interviewed by the Manager Operation of Westpac Bank and you made admission to have stolen the total amount of VT16,338,250 as you have a gambling and drinking problem but you stated that you never purchased any assets with the money you had stolen. On or about the 10<sup>th</sup> of December 2009, you were taken to the police station where you were cautioned and interviewed. You freely made admissions. You are a first time offender and you have no previous convictions on your records. I read the submissions from the prosecution and from the defence counsel. I also read the pre-sentence report filed by the Probation Officer on your behalf.

When I consider your sentence, it is important to denounce your behaviour. The sentence I am going to impose on you must reflect the seriousness of your offending and a deterrent to others not to behave in this way. Your sentence must reflect the particular gravity and circumstances of your offending involving over 16,000, 000 Vatu you had stolen. You committed these offences by yourself. No one assisted you. You are responsible for your own offending.

The aggravating features present in your offending include the following:

- The abuse of trust and authority that you have shown by taking advantage of your employment in order to steal this money.
- There is a considerable degree of premeditation and planning of your offending.
- Your offending involved a high degree of sophistication which shows that only a person in your position would have been able to use to your own benefit.
- There is also repetition in your offending as you did so from 5 September 2005 to 17 November 2009 which is a period over 4 years.



In mitigation, you entered guilty pleas at the earliest opportunity given to you. You cooperated with the police and authorities once your offending was discovered. You are a first time offender and you do not have previous conviction on your record.

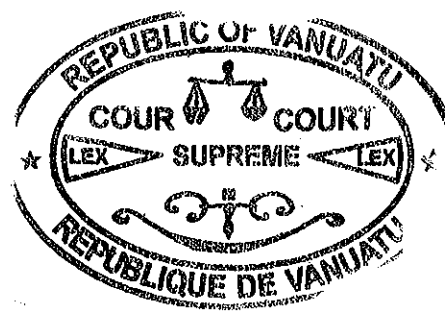
You offered to repay back some of the money but not the total sum taken with the help of your wife who is working at another Bank (Bred Bank). Despite this offer, no money was paid. Further since the matter was reported to the police you stopped working for Wespac Bank.

Your pre-sentence report reveals that you said you began consuming alcohol at the age of 21 and when your wife , Emma asked you why you drunk so much, you told her that it was work related stress. You also said that during the 10 years you worked for the Bank, you were never given an annual leave, but only days off. However, it is noted in the report that the reason why you never took any leave was because you were afraid someone would find out your fraudulent deals in the Bank, your employers trusted you to do your work in the Bank but you breached the trust by abusing it. The report shows that you were having a medium risk of re-offending because of the type of your offending.

I take into account of what your wife and chief have said on your behalf and that of your children and family. Given the amounts that you stole and the gravity of your offending, imprisonment is the inevitable result for sentencing. I have also taken into account of any compensation but I note that the Westpac Bank will issue civil proceedings to recover for their loss.

I take into account of the submissions of the prosecution and the defence counsel and the content of the pre-sentence report prepared on your behalf.

In the present case, the appropriate starting point for your offending is a term of imprisonment of 8 years. I take into account the mitigation factors I have mentioned. You are convicted and sentenced to a term of imprisonment of 5 years on both charges to be served concurrently. That means you have to serve a total of 5 years imprisonment to serve on both offences.



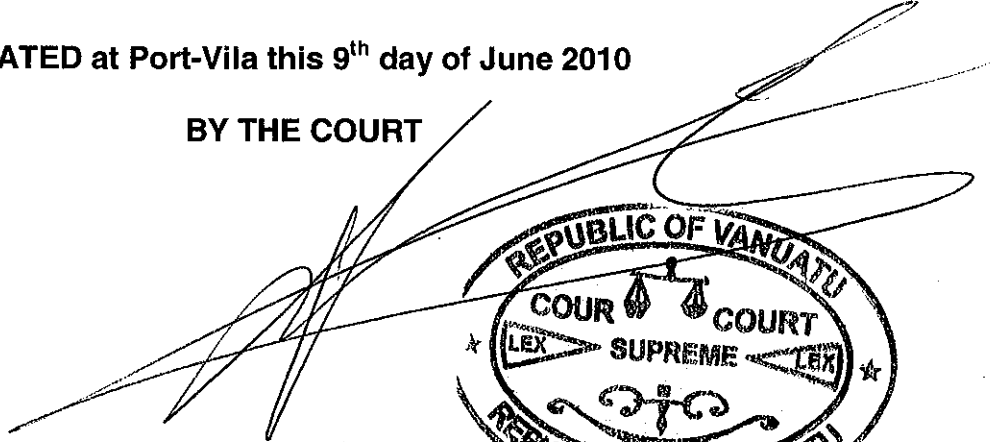
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You have a right to appeal this sentence if you are unhappy with it and you have 14 days to file this appeal from your imprisonment of 5 years commencing today with immediate effect.

**DATED at Port-Vila this 9<sup>th</sup> day of June 2010**

**BY THE COURT**



**Vincent LUNABEK  
Chief Justice**

