

**IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU**  
(Criminal Jurisdiction)

Criminal Case No. 6 of 2013

**PUBLIC PROSECUTOR -VS- RICHARD GATTEVILLE**

**Coram:** Justice Oliver A. Saksak

**Counsel:** Mr. P. Wirrick for Public Prosecutor  
Miss J. Tari for the Defendant

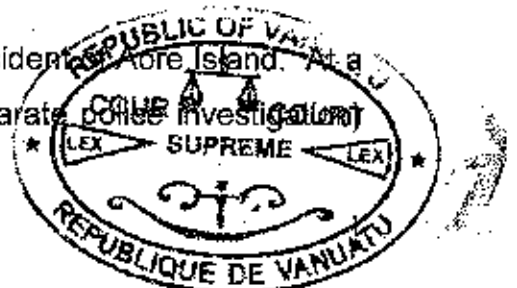
**Date of Hearing:** 30<sup>th</sup> April 2013

**Date of Sentence:** 5<sup>th</sup> August 2013

**SENTENCE**

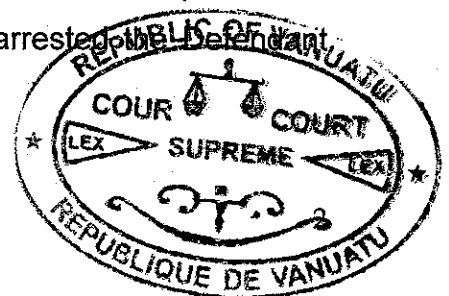
1. Richard Gatteville you were charged as follows:-
  - (a) With 7 Counts of Forgery Contrary to Section 140 of the Penal Code Act [Cap 135] (the Act)
  - (b) With 7 Counts of Theft Contrary to Section 125 (a) of the Act.
2. On 25 March 2013 you pleaded guilty to the 7 counts of forgery and to 3 counts of theft. You pleaded not guilty to 4 counts of theft laid under counts 2, 4, 6 and 10. On 3 April 2013 the State amended Count 2 to a lesser charge of Attempted Theft to which you entered a guilty plea. The State therefore withdrew the three remaining counts of theft in Counts 4, 6 and 10. The Court will sentence you in respect of the remaining 11 Counts.
3. You are reminded that the offence of theft carries a maximum penalty of 12 years imprisonment. Forgery carries a maximum penalty of 10 years imprisonment.
4. The facts of your offendings were presented by the Prosecutor and dated 21<sup>st</sup> March 2013 as follows:-

"1. The Defendant was at all material times a resident of Aore Island. At a date prior to this offending (subject to a separate police investigation)

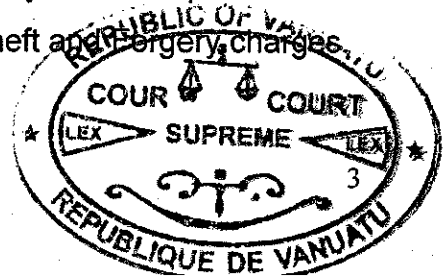


the Defendant had broken into the property of one IAN ERNEST MORATTI of New Zealand. This property is located on Aore Island. IAN ERNEST MORATTI was in New Zealand at the time of the burglary and no-one was residing on the property. The Defendant stole, among other unknown items, an ANZ Bank cheque book belonging to IAN ERNEST MORATTI.

2. With this cheque book the Defendant travelled to Luganville on 26 October 2012 and commenced a series of forgeries and thefts using the cheque book belonging to IAN ERNEST MORATTI. The Defendant forged seven (7) separate cheques all on 26 and 27 October 2012 to pay for a 26 foot boat, an outboard motor from ASCO Motors, various goods from Santo Hardware (most of which were fortunately not delivered), goods from Vanuatu Agriculture Supplies and L.C.M. stores, meat from N.I.M.S., transport and fuel from Luganville Service Station.
3. The total amount of money of all seven (7) forged cheques was VT1,268,950. The Defendant had purchased most goods on Friday 26 October 2012 and had them in his possession on that day and then used the services of a transport truck to take him to the Usa area. The Defendant paid for the transportation with a forged cheque of VT15,000 and requested the transport to pick him up again the following day, 27 October 2012.
4. On the following day when reaching Lugvanille the Defendant acquired possession of the 26 foot boat and outboard motor he purchased from ASCO Motors using a forged cheque valued at VT960,000. While the Defendant was attempting to move the boat into the water near EX-B.P. wharf the matter came to the attention of one BRADLEY WOOD of Santo Hardware after ASCO Motors requested the help of Santo Hardware to transport the boat. BRADLEY WOOD then reported the matter to the police. The police immediately arrested the Defendant and detained him."



5. The facts show that -
- (a) The cheques you forged were the property of another person.
  - (b) There was no authorisation expressed or implied from the owner of the cheques for you to use them.
  - (c) You went on a spending spree that saw you issued forged cheques totalling VT1,268,950 within a space of 2 days from 26 – 27 October 2012.
  - (d) Your actions were deliberate and repetitive showing sheer dishonestly, irresponsibility, negligence and blatant disrespect for the law.
6. Those features and the facts presented require that the Court must impose a penalty that should serve the following purposes –
- (a) To act as specific and general deterrence;
  - (b) To record public condemnation for your actions;
  - (c) To mark the gravity of your offendings; and
  - (d) To punish you appropriately and adequately.
7. In assessing your punishment the Court is guided by the case of Public Prosecutor v. Keith Mala; Criminal Case No. 42 of 1995. It is conceded by the Prosecution that the case is distinguished on its facts and circumstances but it is the sentencing range and principles used that are of relevance.
8. The Court accepts that a sentence of within the range of 12 – 24 months imprisonment would be appropriate and adequate. The Court therefore convicts you for the eleven counts and sentences you as follows :\_
- (a) For Forgery x7 Counts – A sentence of 2 years imprisonment is imposed for each count concurrent.
  - (b) For Theft x3 Counts – A sentence of 2 years imprisonment is imposed for each count concurrently.
  - (c) For Attempted Theft – 1 count – A sentence 2 years is imposed to be served concurrently with the sentences for the Theft and Forgery charges.



Accordingly you are sentenced to serve a concurrent term of 2 years imprisonment.

9. In mitigation the Court allows a reduction of 1/3 for guilty pleas bringing your sentence of 24 months down by 8 months to 16 months imprisonment. There will be no other reduction.

10. Your sentence commences today 5<sup>th</sup> August 2013.

11. You have a right of appeal against sentence within 14 days if you so choose.

**DATED at Luganville this 5<sup>th</sup> day of August 2013.**

**BY THE COURT**

  
OLIVER A. SAKSAK  
Judge

