

PUBLIC PROSECUTOR

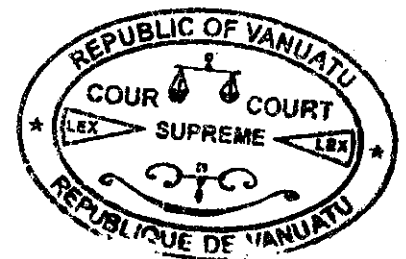
-V-

JEAN YVES SHEM

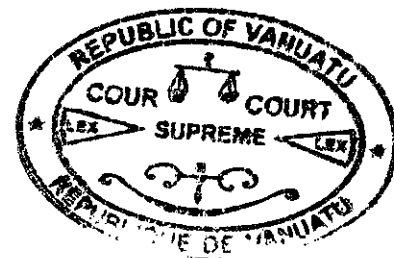
Hearing: 16 December, 2013
Before: Justice Robert Spear
Appearances: Gregory Takau for the Prosecution
Bryan Livo for the Defendants

SENTENCE

1. Jean Yves Shem, you are for sentence on charges of malicious damage, unlawful entry of a dwelling house and theft. The offending is covered in two separate indictments essentially they are charges of burglary.
2. On 7 May 2012, you broke into the Port Vila International School causing damage at the time you enter the building and you stole a large number of items as well as cash. These were electronic items that were to assist the educational process of the pupils of that school. None of the properties have been recovered. Then on 14 May 2012, one week later you broke into the Computer World shop in Port Vila and again stole a large number of items, none of which have been recovered.
3. While the particular charges had been broken down into malicious damage, unlawful entry and theft, essentially they relate to the crime of burglary which is a particularly serious crime and one that needs to be condemned by the Court.
4. The facts of the burglary are not exceptional but what is exceptional here is the fact that you are without question a determined and career criminal.
5. Mr Livo's written submissions were presented prior to the pre-sentence report being made available. They described you as a first offender and argued for a non-custodial sentence. However you are anything but a first offender. The pre-sentence report describes your criminal career. It even refers to your aunt's observation that despite every best effort to stop you stealing you have been unable to help yourself. You were expelled from school for stealing and since then you have dedicated yourself to live off your dishonest way.

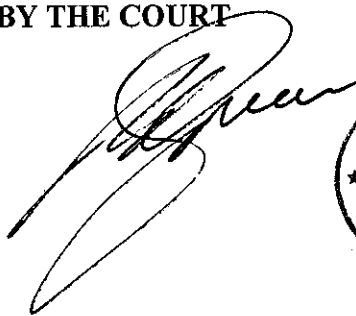


6. You are one of those people that the Court has absolutely no hope at all of you turning your life around in the immediate future. There is no indication at all that you want to change your ways in which the court can have any confidence.
7. What is required is a sentence that keeps you out of the community for a period so that the community is safe from you.
8. This offending occurred at a time when you had escaped from prison which, of course, is a significant aggravating feature to the offending as is the fact that you have many previous convictions for the same type of offending.
9. I note from the pre-sentence report that you were sent to prison for 4 months back in 2008 when you were 15 years of age. You were placed on parole but offended while you were on parole and recalled to serve the rest of your sentence. You committed further offences and received a sentence of 27 months imprisonment in June 2010 again. When you were released on parole you reoffended and then were recalled to serve out the rest of your sentence. In July 2011 you received a sentence of 2 years 8 months imprisonment which was repeated again on 1 September 2011 all for charges of unlawful entry; the same charges you are here for today. Then it appears that you escaped during the course of that sentence and committed offences including the offences on which you are for sentence today. You received a consecutive sentence of 2 years imprisonment on 16 March 2012 which was supplemented by a further 3 month consecutive sentence imposed on 6 December 2012.
10. It would accordingly appear that the consecutive sentence that I intend to impose on you today must be in addition to the sentence of 3 months imprisonment imposed on 6 December 2012 in criminal case No. 565/12.
11. When considering the appropriate sentence I need to have regard to your age being only 20 and the fact that you are currently in the course of serving consecutive sentences of 4 years and 11 months as I calculated it. Be that as it may, it is likely that you are coming up for parole soon. Whether you are granted parole is a matter entirely for the parole board but I can tell you that if I was sentencing you in New Zealand I would impose a condition that you not be eligible for parole until you had served two thirds of your sentence. That sentencing option is not available to me here.
12. It is still necessary to have regard to the total sentence when I come to set the term today. Certainly, if your offending did not involve a consecutive sentence of imprisonment and I was sentencing you with regard to your previous convictions I would consider a sentence in the vicinity of 4 years imprisonment even with your late guilty plea.
13. But here I consider that the appropriate sentence having regard to the totality of the matters is for you to be sentenced on all these charges to 2 years imprisonment, consecutive on the last sentence of 3 months imprisonment imposed on 6 December 2012 in Criminal Case No. 565/12.
14. What becomes of you is a matter of concern but I consider that the safety of the community is more important at this stage than a concern about any possible rehabilitation.



15. You have 14 days to appeal this sentence if you do not accept it.

BY THE COURT

A handwritten signature in black ink, appearing to be 'A. Green', written over the printed text 'BY THE COURT'.