

BETWEEN: Public Prosecutor

AND: Lorita Moli
Defendant

Coram: Justice Aru

Counsel: Mr. P. Sarai for the Public Prosecutor
Mrs. P. Malites for the Defendant

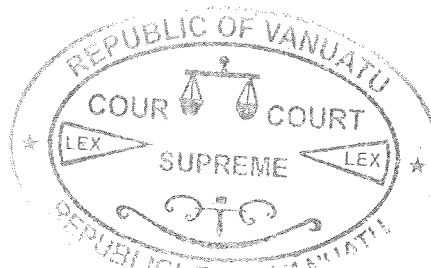
SENTENCE

Introduction

1. Ms Lorita Moli pleaded guilty to a single charge of misappropriation. The offence is punishable by a maximum of 12 years imprisonment.

Facts

2. The offending occurred whilst the defendant was working as a General Cashier for Warwick Le Lagon Hotel. From December 2016 to February 2018 she took a total of VT 513,960. This was money belonging to the hotel. Her duties were to clear the drop safe of all cash /cheque deposits on a daily basis; reconcile the actual day takings and to secure them in the safe awaiting banking and to deposit the takings on Monday Wednesday and Friday each week.
3. Internal investigations at the hotel initially revealed that there were shortfalls in banking; there were improper handling of cash for banking; no reports of cash lost. The defendant admitted taking cash from the weekend's takings around the Christmas period to pay for her airfare to Santo without any approval. She knew it was wrong but thought she could repay it but never did.
4. On 1 February 2018 she was removed from her duties pending further investigation. She provided a written statement admitting that she took the money. On 3 February 2018 she was suspended from duties pending final investigation. When interviewed under caution by the Police she admitted that she started taking money in May 2017 in smaller amounts as her weekly salary was VT8, 200. These were monies from the petty cash and monies which she was supposed to deposit at the BRED Bank. The money



was used for buying drinks on weekends and for other personal use. She did not report her activities for fear of being terminated.

5. In total she admitted taking VT 513,960.

Aggravating factors

6. The offending is aggravated by a number of factors. First and foremost is the breach of trust. She abused her position as the General Cashier to satisfy her personal needs and drinking habit. There was also an element of planning involved to disguise her activities. Thirdly the amount misappropriated is quite substantial compared to her weekly salary and caused her employer to suffer financial loss. The offending was also repeated over time from May 2017 to February 2018.

Starting Point

7. Considering these factors I adopt a starting point of 3 years imprisonment.

Personal factors

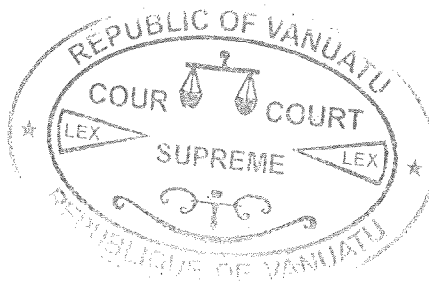
8. The defendant is 26 years old and originates from the island of Malo. She lives in a defacto relationship with her partner at Erakor village. She completed her education at the INTV with a certificate in administration.
9. She is a member of the Presbyterian Church and an active member of her community. As a first time offender with no previous record I deduct 1 year reducing the sentence to 2 years imprisonment.
10. The defendant has shown remorse for her actions and cooperated with the Police investigations. She readily admitted her guilt at the earliest opportunity therefore she is entitled to the full one third discount on her sentence.

End sentence

11. The end sentence is therefore rounded off to 12 months imprisonment.

Suspension

12. Initially counsel on her behalf submitted that the whole sentence be suspended with an order for restitution. That submission was withdrawn as there was no evidence that the defendant is earning a regular income. In addition she was unable to say how soon the moneys will be refunded if ordered to do so. The Warwick has taken steps to recover their loss through their insurers as advised to the probation officer. This is an additional loss to the resort.



13. For these reasons the sentence will not be suspended but will be served in custody effective from today.

14. Ms. Lorita Moli, you have 14 days to appeal if you are not happy with decision.

DATED at Port Vila this 31st day of October, 2019

BY THE COURT

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D. Aru
Judge

