

**BETWEEN:** Public Prosecutor

**AND:** Abel Taravaki  
Defendant

*Date:* 27 August 2021  
*By:* Justice G.A. Andrée Wiltens  
*Counsel:* Mr C. Shem for Public Prosecutor  
Ms K. Karu for the Defendant

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**Sentence**

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A. Introduction

1. Mr Taravaki pleaded guilty to unlawful entry and theft.

B. Facts

2. On 19 April 2021, Mr Homu was beckoned to approach Mr Taravaki at Melemaat village. Mr Taravaki wanted to sell him a .22 rifle. Mr Homu offered him VT 2,000, which price was accepted.
3. Mr Homu promptly turned the .22 rifle over to the police, with a full explanation as to how he came by it. That led the police to arrest and interview Mr Taravaki. He then admitted that he had entered abhome at Tara Beach, Bukura area the previous night and had stolen the .22 rifle from the empty house.

C. Sentence Start Point

4. The sentence start point is to be assessed by having regard to the maximum sentence available for this offending, and factoring in both the aggravating and mitigating aspects of the offending.

5. The maximum sentence for unlawful entry of a dwelling house is 20 years imprisonment; and for theft it is 12 years imprisonment.
6. There are no aggravating or mitigating aspects to this offending.
7. I adopt a sentence start point of 3 years imprisonment, on a global concurrent basis taking both offences into account.

D. Personal Factors


8. Mr Taravaki pleaded guilty to the charges at an early stage, having earlier admitted the offending to the police. His pleas indicate that he has accepted his wrong-doing, and it has also saved Court time and expense. For his prompt pleas I reduce the sentence start point by 25%.
9. Mr Taravaki was 18 years old at the time of the offending; he is 19 now. He is single, living with his adoptive mother. He has had little formal education and helps his family by gardening and doing home chores.
10. He has no previous convictions and is remorseful.
11. Mr Taravaki has not performed a custom reconciliation ceremony, but he is willing to do so.
12. For Mr Taravaki's personal factors, I reduce the sentence start point by 3 months. For his youth and immaturity, I reduce the sentence start point by a further 12 months.

E. End Sentence

13. Mr Taravaki's end sentence is 12 months imprisonment on both charges concurrently.
14. This Court has a discretion to suspend all or part of the sentence in certain circumstances.
15. There are considerations both in favour of suspension and against.
16. This offending is serious. It involved the deliberate and planned breaking into of another's home for dishonest purposes. A particularly dangerous item was stolen. The maximum penalties prescribed indicate the seriousness of this type of criminal conduct.
17. On the other hand, Mr Taravaki has pleaded guilty promptly and accepted his wrong-doing. The stolen property has been recovered. Mr Taravaki has not enjoyed the privilege of formal education, and he is still young and immature. His prospects for reparation must be considered favourably. This offending appears to be out of character. As well, I take into account that Mr Taravaki has already served some 4 months by having been remanded in custody pending the completion of this matter.
18. In the circumstances, I am prepared to suspend the sentence for 2 years. Mr Taravaki needs to stay offence-free for that period to ensure he does not serve the 12-month sentence imposed for this offending.

19. As well, in order to hold Mr Taravki accountable for his dishonesty and as a deterrent to him and other members of the community who might be tempted to act in this fashion, he is additionally ordered to complete 12 months of Supervision and to undertake and successfully complete the Niu Rod programme.
20. The .22 rifle is to be destroyed.
21. Mr Taravaki has 14 days to appeal the sentence.

**Dated at Port Vila this 27th day of August 2021  
BY THE COURT**

  
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Justice G.A. Andrée Wiltens