

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

Criminal  
Case No. 21/2314 SC/CRML

**BETWEEN:** Public Prosecutor

**AND:** Jenny Pato  
Defendant

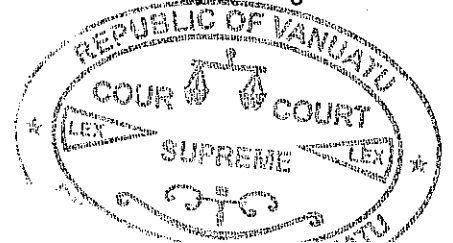
*Date:* 30 August 2021  
*By:* Justice G.A. Andrée Wiltens  
*Counsel:* Ms L. Lunabek for the Public Prosecutor  
Ms J. Tari for the Defendant

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**Sentencing**

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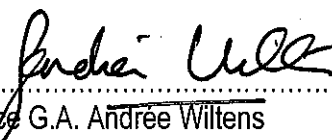
1. Ms Pato pleaded guilty to 19 charges of obtaining money by deception.
2. On numerous occasions, Ms Pato held herself out as an agent able to arrange overseas work for ni-Vanuatuan. In fact she was not an agent, and her only experience in this field is that previously she herself had gone to work in New Caledonia.
3. In order to "assist" those she approached or came across who were interested in such employment, she would take a fee of VT 2,500 or VT 2,000 cash. This went on for almost 2 months in 2018. In all, by her deceptions, Ms Pato gained VT 71,000.
4. When interviewed by the police, Ms Pato advised that she had in fact earned much more than the amounts referred to in the charges. She considered she had earned something in the order of VT 200,000.
5. She further advised the police that each of her victims was given full restitution, the necessary VT 150,000 funds being given to Ms Pato by her estranged husband who is currently working in



Australia. He was worried about the effects of this offending on their children. The prosecution appears to accept that she has repaid a total of VT 29,000.

6. The maximum sentence for this offending is 12 years imprisonment.
7. The aggravating factor of this offending is the number of times Ms Pato deceived her "clients". The mitigating aspect of the offending is the fact that reparation has been promptly made.
8. It is clear that the amount of funds obtained by deception has not been clearly established. I need to deal with the offending on the basis of what is alleged in the charges. Accordingly, I will sentence Ms Pato on the basis that she earned VT 71,000 and that she has repaid all the complainants in full.
9. The sentence start point I adopt on a totality basis is 18 months imprisonment.
10. Ms Pato made full confessions to the police and has admitted the charges at the first available opportunity. She is remorseful. She has no previous convictions. She has made full reparation. She is separated from her husband and is accordingly largely responsible for her 3 younger children, albeit with financial assistance from her estranged husband.
11. In the circumstances, to hold Ms Pato accountable for her conduct and to deter others from adopting similar deception, a suspended sentence of imprisonment is warranted.
12. On each charge concurrently, Ms Pato is sentenced to 6 months imprisonment, suspended for 2 years. She needs to remain offence-free for that period to ensure that she does not need serve this sentence.
13. Ms Pato has 14 days to appeal the sentence.

**Dated at Port Vila this 30th day of August 2021  
BY THE COURT**

  
Justice G.A. Andree Wiltens

