

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

Case No. 21/1810 MC/CRML

PUBLIC PROSECUTOR

V

SAIKEM DOUGLASS

Date of Sentence: 16th of June, 2021.

Before: *Fsam*

In Attendance: *Mr Thompson_T for the State*

Mr Vira_H for the Defence and Defendant.

Copy: *The State Prosecution, The Public Solicitor, The Corrections Centre.*

SENTENCE

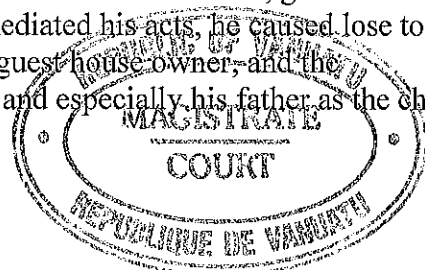
INTRODUCTION

1. The Defendant Saikem Douglass is charged with one count of Theft, and one count of Unlawful Entering of a dwelling house. Having considered the facts and the defendant admitting them and pleading guilty to the charges against him, he was convicted of the offences accordingly.

AGGRAVATING FACTORS

2. The maximum penalty imposed for the offence of theft is 12 years imprisonment and for Unlawful entering a dwelling house, 20 years imprisonment. In this case, on the 7th of September, 2018, at Emua Village, the defendant had unlawfully entered into the complainant Jonathan Roger's guest room, where he stole some cash at a total of VT8000, a pair of shoes, clipper, a small bag containing a vibrator and USB cable, a butt plug and a hoody shirt.

3. The aggravating factors considered are the seriousness of the offences, given the maximum penalties imposed, the defendant having premeditated his acts, he caused lose to the complainant tourists, as well as lose of reputation to the guest house owner, and the community as a whole, his disrespect to the community, and especially his father as the chief



of the community in Emua, and his acts had put the safety of the complainants at risk. His prior convictions are also considered.

PERSONAL & MITIGATING FACTORS

4. The only mitigating factor taken into consideration is his guilty plea and he is entitled to a 1/3 deduction for this.

SENTENCE

5. Having so considered the relevant factors, I order the defendant to an end sentence of 6 months for each count. That is, 6 months' imprisonment for count 1 and 6 months' imprisonment for count 2 to be served concurrently.

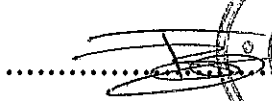
6. I consider this sentence the appropriate one to punish the defendant, given his prior convictions and the fact that he does not seem to have learned a lesson from the community work sentence previously ordered against him. This sentence also serves to deter the defendant and likeminded offenders from committing similar offences.

7. Mr Vira had sought suspension of sentence, and I allow this. That means the defendant's concurrent sentence is suspended for 1 year and he is ordered not to reoffend during the suspended period, where in any event he does, the suspension will be lifted and the defendant is to serve his sentence accordingly.

8. The Defendant Saikem Douglass is also informed of his right to appeal this sentence within 14 days if he is not happy with it.

DATED at Port Vila, this 16th day of June 2021.

BY THE COURT


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Magistrate

