

**PUBLIC PROSECUTOR**

**V**

**TIRO ALFRED MATAHOSO**

**MOLI MATAHOSO**

**RIHUNA MATAHOSO**

*In Attendance: Ms. Sharon Allanson for the State  
Ms. Barbara Taleo for the defendants*

---

**SENTENCE**

---

**A. Introduction**

1. The defendants namely Tiro Alfred Matahoso, Moli Matahoso and Rihuna Matahoso all pleaded guilty on the charges of unlawful entry, criminal trespass, damage to property and threatening language.
2. Each of them are accordingly convicted as charged.

**B. Facts**

3. The complainant is one Bimbiri Ban Huri of Naviaru, Malo Island.
4. He filed a complaint in the Police Station at Luganville, Santo, on 20 January 2024 alleging that on 26 December 2023 the defendants entered her residence and damage his solar panel and the door to his house.
5. The defendants also uttered abusive language to the complainant and his children to the following effect: *“Yufala ol man Anambue. Tede bae yufala save rod blong yufala”*

6. The complainant being 91 years of age was devastated by the defendant's actions.
7. The defendants were arrested and cautioned by the police on 22 January 2024 and all admitted their offending.

### **C. Sentence starting point**

8. The maximum penalty of unlawful entry is 3 years imprisonment, for criminal trespass- 1 year imprisonment, for damage to property- VT 5,000 fine or 1 years imprisonment and for threatening language- 3 years imprisonment.
9. There are no mitigating aspects of the offending. The aggravating factors are:
  - There was some degrees of planning.
  - Offending occurred in the confine of the complainant's home where he and his family are entitled to feel safe and secure.
  - The complainant is 91 years of age at the time of offending and was defenseless.
  - Cause of loss to the defendant.
  - Joint enterprise as the defendants all group together to commit the offences.
10. In considering the aggravating factor, I set a starting point in a global scale of 12 months imprisonment.

### **D. Deductions for Guilty Plea**

11. The defendants pleaded guilty at first opportunity.
12. They are therefore entitled to one-third reduction of their starting sentence, which is 4 months.

### **E. Personal Factor**

For Tiro Alfred Matahoso:

- He is 32 years of age.
- He is married with three children.
- He is a first time offender.
- He expressed remorse for his actions.

- He pleaded guilty at first given opportunity.
- He cooperated with the Police during investigation.
- He supporting his family through gardening.

For Moli Matahoso:

- He is 29 years of age.
- He has one child.
- He is a first time offender.
- He expressed remorse for his actions.
- He pleaded guilty at first given opportunity.
- He cooperated with the Police during investigation.
- He sustained his family through his employment at Ratua Resort.

For Rihuna Matahoso:

- He is 27 years of age.
- He is married with two children.
- He is a first time offender.
- He expressed remorse for his actions.
- He pleaded guilty at first given opportunity.
- He cooperated with the Police during investigation.
- He sustained his family through Regional Seasonal Employment.

For their personal factor, I make a further discount of 3 months.

## **F. End Sentence**

13. The sentencing principles achievable in this case amongst others expressed in *Public Prosecutor v Vahirua* [2018] VUSC 15 are to hold you accountable for your conduct, to denounce your criminal conduct, to protect the community, to promote sense of responsibility for the harm done and to assist in your rehabilitation and re-integration.
14. Taking into account all matters in relation to all matters aggravating and mitigation personal to your offending, the end sentence imposed on your offending is 5 months imprisonment.
15. However, I accept that your sentence be suspended for 1 year after taking into account the submissions by your counsel that you are a young persons with sole responsibility of taking care of your families.
16. This means you must not re-offend within 1 year.

17. If you reoffends again within 1 year, this suspended sentence will be lifted and he will serve 5 months imprisonment together with any other sentences imposed on you for your re-offending.
18. For completeness, I also order VT 8,000 on each of you and VT 2,000 prosecution cost to be paid severally in 30 days from today's date.

**G. Appeal**

19. You have 14 days to appeal to the Supreme Court if you are not satisfied with this sentence.

**DATED at Luganville, this 6<sup>th</sup> day of March 2024**

BY THE COURT



.....  
**MOSES PETER**  
Senior Magistrate