

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

**Criminal Case No.
1565/24MC/CRML**

PUBLIC PROSECUTOR

V

CHARLIE AISING ROVUN

*In Attendance: Ms. Sharon Allanson for the State
Ms. Akineti Yeeon for the defendant*

SENTENCE

A. Introduction

1. Mr. Charlie Aising Rovun pleaded guilty on the charge of unlawful entry, theft and intentional assault.
2. He is therefore convicted as charged.

B. Facts

3. The first complainant is William Ailel from Toman Island.
4. He alleges that on 13 September 2023 as he was returning from the garden with his wife, they saw the defendant killed a chicken in their kitchen.
5. The complainant then filed a complaint in the police station.
6. The second complainant is Rebecca Abuas who is also from Toman Island.
7. She filed complainant in the Police station alleging that on the second week of February 2024, she approached the defendant and told him to take good care of boat mechanical tools for his son as he could misplace them easily.

8. The defendant then got angry with the complainant that he assaulted her twice on her head.
9. The complainant also filed complainant with the Police.
10. The third offending occurred on 19 May 2024 at Toman Island.
11. The complainant is a 70 year old namely Lising Woh.
12. She alleges that on that date at around midday, the defendant went to her house and stole money in her suitcase.
13. She said she is the treasurer of a woman's group in her church and she kept their money with hers in her suitcase.
14. On that date her grandchild told her, she saw the defendant entering her house and opened her suitcase.
15. When she went and check her wallet, she discovered that VT 27,500 had been stolen.
16. In the money stolen, VT 7,000 was her personal money while VT 20,500 belong to the women's group.
17. The defendant was arrested on 22 May 2024 with regard to the three complaints and when cautioned by the police, he admitted his offending.

C. Sentence starting point

18. The maximum penalty of unlawful entering of a dwelling house is 20 years imprisonment and for theft- 12 years imprisonment and for intentional assault- 1 year imprisonment.
19. There are no mitigating aspects of the offending. The aggravating factors are:
 - The offending was carefully planned and thought out.
 - Unlawful entering of a dwelling house.
 - There were loss caused to an elderly woman and the women's group.
 - Inflicting harm on the body of a woman who is considered vulnerable, as she was defenseless during the assault.
 - There were multiple victims who suffered as a result of the defendant's offending.
 - Repeated offending of similar type of offences.
20. In considering the aggravating factor, I set a starting point in a global scale of 18 months imprisonment.

D. Deductions for Guilty Plea

21. The defendant pleaded guilty at first opportunity.
22. He is therefore entitled to one-third reduction of his starting sentence, which is 6 months.

E. Personal Factor

23. The defendant is 20 years of age and is single.
24. He originated from Toman Island.
25. He lives with his parents and supported them through farming coconut for copra.
26. He completed class 3 level of primary education.
27. He is a first time offender.
28. He expressed remorse for his actions.
29. He pleaded guilty at first given opportunity.
30. He cooperated with the Police during investigation and made an early admission on his offending.
31. He has been remanded in custody until today for a period of 3 months and 5 days.
32. For his personal factor, I make a further discount of 6 months.

F. End Sentence

33. 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 6 months imprisonment.
34. I note from the court record concerning your pre-custodial period information whereby have spent 3 months and 5 days in custody.
35. I therefore had the considerate view of the case of *Public Prosecutor v Sale* [2016] VUSC 83 where the Court considered the equivalence of pre custodial term and the custodial term with regard to parole eligibility of the defendant.
36. I am therefore satisfied that your pre custodial sentencing terms are suffice to have appropriately punish you for your offending.
37. While you are now free to go, I also make an order for restitution to recover monies stolen from the complainant pursuant to section 58ZD of the Penal Code in total sum of VT 27,500 for complainant Lising Woh.
38. You have 1 month from today to return such funds to Lising Woh failing which you will be arrested and detained in prison for 2 months.
39. The Officer in charge of the Correctional Centre in Luganville, is to release the defendant forthwith.
40. This sentencing principles desired to be achieved in your sentencing (*Public Prosecutor v Vahirua* [2018] VUSC 15) are:
 - To hold you accountable for your conduct

- To protect the community
- To denounce your criminal conduct
- To promote sense of responsibility for the harm done
- To assist you in your rehabilitation and reintegration

G. Appeal

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

DATED at Luganville, this 29th day of August 2024

BY THE COURT



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MOSES PETER
Senior Magistrate

