

PUBLIC PROSECUTOR -v- ALICK NATAGORA

Coram: Chief Justice Vincent Lunabek

Counsel: Mr Tristan Karae for the Public Prosecutor
Mr Andrew Bal for the Defendant

ORAL SENTENCE

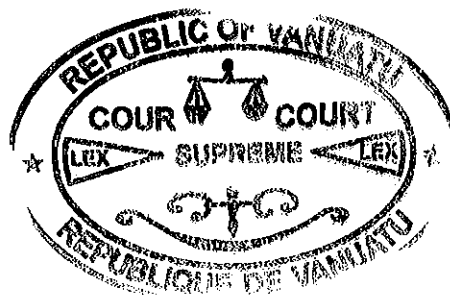
This is the sentence of the Defendant, Alick Natagora. He was charged and pleaded guilty to:

- One count of Unlawfully Entering a Dwelling House, contrary to section 143 of the Penal Code Act [CAP.135]; and
- One count of Theft, contrary to section 125(a) of the Penal Code Act [CAP.135].

The offence of unlawfully entering a dwelling house carries a maximum penalty of 20 years imprisonment and the maximum penalty for the offence of theft is 12 years imprisonment. The facts of this case are this.

The Defendant Alick Natagora lives in Port-Vila with his parents at Fatumaru Lodge. He is 19 years of age at the date of his offending and he is still 19 at the date of his sentence.

On or about the 10th December 2009, the complainant had come back home from watching the Futsal finals at Ex FOL stadium. When the complainant entered his house he noticed that someone had entered his house and took his laptop. The



complainant stated that the laptop was coloured grey, and that the complainant had bought the laptop in New Zealand for NZ\$1,200.00 which is about VT91,000.

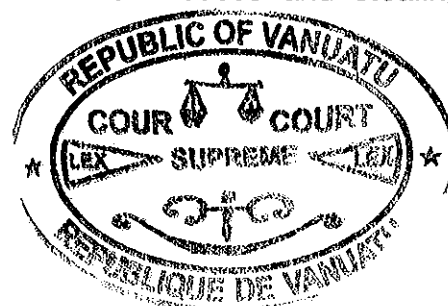
On or about the 7th of April 2010, the complainant was asked to identify and recover the laptop that was in police custody. The police was informed by both Mr David and Mr Laban that Mr Laban had bought a laptop from the Defendant Alick Natagora sometime in December 2009.

The police then brought the Defendant Mr Alick Natagora and he was cautioned and interviewed on the 29th of March 2010. During the interview the Defendant admitted that he was drunk on that day as it was his birthday and wanted money to buy drinks. The Defendant then came across the complainant's house and saw the window opened. The Defendant saw that there was a laptop in the room, so the Defendant then reached in through the complainant's window and stole the laptop and sold the laptop at Vatu 20,000. The laptop has been recovered by the police and given back to the Claimant.

Defendant Alick Natagora, when sentencing you it is necessary to denounce your behaviour. The offences of unlawful entering a dwelling house and theft are both serious offences indeed. The seriousness of these offences can be seen from their respective maximum penalties set by law which reflected the very intention of Parliament to treat them as such.

When I sentence you, I note that there is no element of aggravations. In mitigating, I note that you pleaded guilty at the grist opportunity given to you by the Court. You also cooperated well with the police and you have no previous convictions on your record. I take these elements in your credit. I note that the police had recovered the laptop you had stolen and given back to its owner (the complainant).

Unlawfully entering dwelling house and theft become "common offences" in Vanuatu and in particular in the urban centres such as Port-Vila and the people are becoming very upset about people like you breaking into their houses and stealing their



property. You need to understand that the Court must show people like you that you will go to prison if you commit such offences.

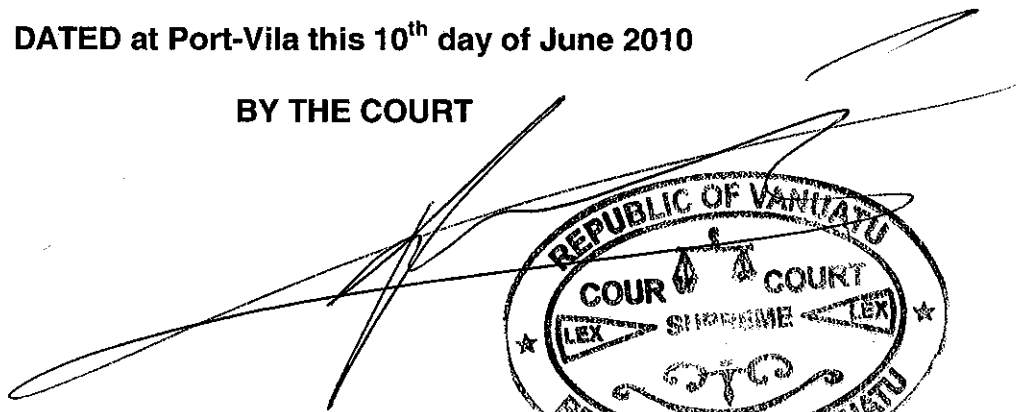
The appropriate sentence is an imprisonment sentence. I sentence you to 1 year imprisonment suspended for a period of 2 years. In addition, I order you to perform 200 hours community work and 6 months supervision.

I need to explain to you that during the supervision of your imprisonment sentence, you must not commit any other offence and convicted of it because if it is the case, your imprisonment sentence of 1 year will be re-activated in addition to your other convictions.

You have 14 days to appeal this sentence if you do not like it.

DATED at Port-Vila this 10th day of June 2010

BY THE COURT

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and lines, extending from the left side of the page towards the court seal.

**Vincent LUNABEK
Chief Justice**

