

(Criminal Jurisdiction)

**PUBLIC PROSECUTOR**

**VS.**

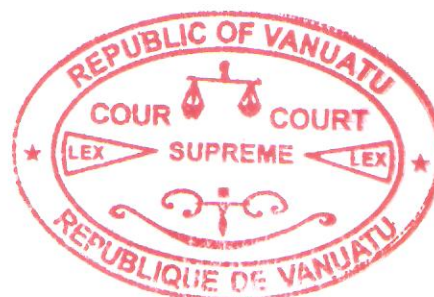
**MIKE JOE**

**Mr Justice Oliver A. Saksak**  
**Mrs Mandeng M. John – Clerk**

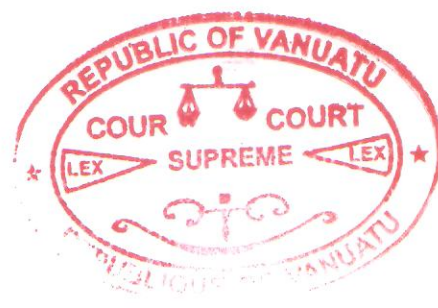
**Mr P. Wirrick for Public Prosecutor**  
**Mrs M.P. Vire for the Defendant**

**SENTENCE**

1. Mike Joe, you originally pleaded Not-Guilty to 33 Counts of Forgery, Theft and Obtaining Money by Deception.
2. On re arraignment on 16<sup>th</sup> June 2011 you entered guilty pleas to 8 Counts of Theft as follows –  
Counts 2, 5, 11, 20, 23, 26, 29 and 32. That being so the remaining 25 Counts were withdrawn by the Prosecution.
3. Theft under Section 125 (a) PCA carries a maximum sentence of 12 years imprisonment.
4. In relation to the 8 Charges admitted, the facts are not in dispute and the Court will not restate them.



5. It is clear however that you stole other peoples' monies in large amounts from 28 May 2009 to 27 January 2010 to the total of VT5,383,000. You seem to be enjoying doing it over and over again. And all you have given as a reason is that NBV was not paying your overtime salaries, and that the Bank was letting off other employees in similar situations. That can never be an excuse for your selfish and unwarranted actions. You have not shown any remorse at all.
6. You must realize that you have breached your position of trust placed on you as a bank officer by helping yourself to other peoples' money. And your actions were repetitive.
7. In Sentencing you today the Court is guided by the principles in PP v. Keith Mala [1996] VUSC 22. The other cases cited by defence counsel are also helpful persuasive authorities which the Court has had regard to in particular PP v. Rasu [2005] VUSC 24, PP v. Ravalou [2003] VUSC 53 and PP v. Tureleo [1995] VUSC 16.
8. Taking all the circumstances of your offendings into account, the Court will impose an immediate custodial sentence to –
  - (a) mark the seriousness of your offendings;
  - (b) mark the public condemnation of your actions;
  - (c) deter you and others from such offending; and
  - (d) punish you adequately.



9. Having said that, the Court convicts you and sentences you for theft of VT5,383,000 in all the 8 Counts together to a term of 3 years immediate imprisonment.

10. There will be a 1/3 reduction due to the following mitigating factors -

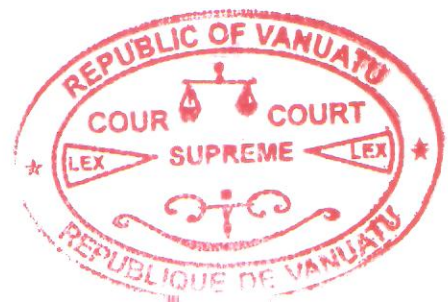
- (a) Being a first time offender for this offence at least;
- (b) Free and Frank admissions of theft to superiors; and
- (c) Cooperation with Police;

12 months are deducted from your 3 years leaving the balance of 24 months or 2 years to be served at the Correctional Centre.

11. The Court issues a restitution Order against you that the following items recovered by Police by given to the National Bank for sale in order to recover the VT5,383,000 stolen by the defendant -

- (a) 2 Amplifiers
- (b) 1 roll of window screen
- (c) 3 window louvre frames
- (d) 19 window panes
- (e) 1 sony Television
- (f) 1 black DVD player
- (g) 1 black sub-woofer
- (h) 1 blue generator; and
- (i) 1 Daewo Matiz Car Registration No 5878

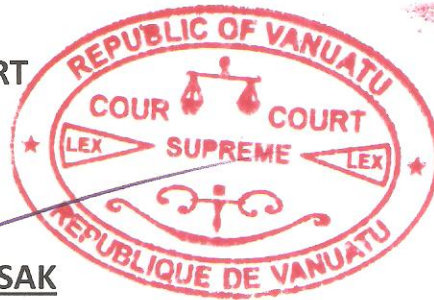
12. Your sentence begins today 19<sup>th</sup> August 2011.



13. You have a right of appeal within 14 days if you so choose.

DATED at Luganville this 19<sup>th</sup> day of August 2011

BY THE COURT



  
OLIVER A. SAKSAK

Judge.