

PUBLIC PROSECUTOR

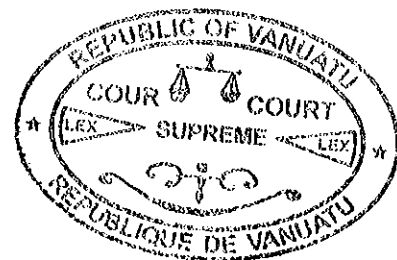
V

GIBSON JOSEPH WILLIAM

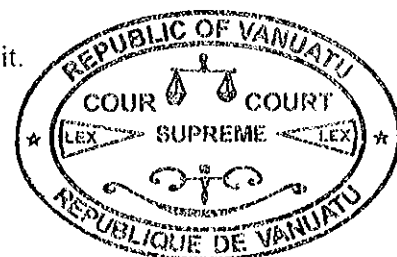
Hearing: 14 October 2011
Before: Justice Robert Spear
Appearances: Tabisa Harrison for State
Eric Molbaleh for Accused

SENTENCE

1. Gibson Joseph William you are here today to be sentenced on 3 charges: Unlawful Entry, Theft and Malicious Damage.
2. The brief facts of the case are not disputed by you. On 29 May 2007, you were working as a security guard in the Teouma area. You saw, in the next door neighbour's house, a grass cutter that was stored inside the house. You made your way onto the property, you cut the screen away from the window, you removed 3 louvers from the window, entered the house and stole the grass cutter. You then went out through the same window replacing the 3 louvers as you did. You sold the grass cutter for Vt 10,000.
3. When you were approached by the police shortly after this offending, you admitted the offending and gave the police Vt 6,000 being the balance of the sale proceeds that you had not yet spent.
4. It is clear that you were a young man of 19 years at the time you committed this offence in 2007. You pleaded guilty at an early time.



5. After you were convicted following your guilty pleas, and you were remanded off for sentence. You did not attend your sentencing hearing. Mr Molbaleh, in his careful submissions, highlighted the fact that you are a relatively unsophisticated young man and that you believed that your conviction was the end of the prosecution. Mr Molbaleh attempts to place some responsibility on the Police for your non-attendance. I make no comment about that as I simply do not have enough information to comment either way. However you did enter your pleas of guilty at an early stage
6. I have sentencing submissions that have been filed by both the Public Prosecutor and your counsel. I also have a pre-sentence report that speaks of you in relatively impressive terms. In short, that you are a young man with promise and, if given the chance, you should be able to rise above and move beyond this sorry stage in your life. You are also a first offender with no previous convictions.
7. Having regard to your age the fact that you are a first offender of otherwise good character, and that this offending appears to be somewhat impulsive and opportunistic in its nature,
- a. you are sentenced to carry out 120 hours community work;
 - b. You are also placed under supervision for 12 months on the special conditions that:
 - i. you undertake the niufala rod programme as directed by a probation officer
 - ii. you undertake such other counselling as directed by your probation officer.
 - c. You will also pay compensation of Vt 4,000 to the complainant. That is the balance of the amount that you received for the sale of the grass cutter which you have not yet accounted for. I assume that the Vt 6,000 seized by the Police has been returned to the complainant but I leave that for the Public Prosecutor to follow up.
8. You have 14 days to appeal this case if you do not accept it.



9. You are to report to the Court office at 3 pm today for service of the relevant orders in relation to this sentence.

BY THE COURT

