

IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(Criminal Jurisdiction)

Criminal Case No. III of 2013

PUBLIC PROSECUTOR
V
JEAN YVES SHEM

Coram: Judge Aru

Counsels: Mr D. Boe for the Public Prosecutor
Mr. H. Vira for the Defendant

SENTENCE

1. Jean Yves Shem you appear today for sentencing in this matter.
2. You were charged with three counts of offences committed under the Penal Code (CAP 135) as follows :

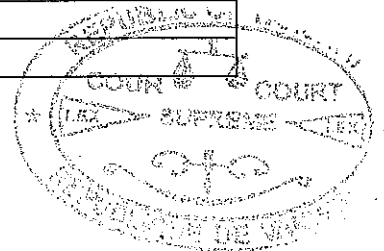
Count 1 - malicious damage to property contrary to s. 133

Count 2 - unlawful entry to dwelling house contrary to s 143

Count 4 - theft contrary to s 125 a).

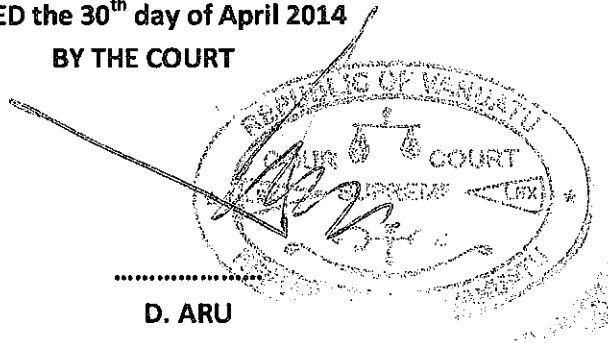
3. You pleaded guilty to this charges on 8 April 2013. This brief facts of your offending are that on 6 May 2012 the complainant reported to the Police that between 8.30pm and 12.15pm some items in his house went missing. It was reported that you entered the house through a closed aluminium louver by using an iron bar to break the window and left through the back door. On 4 July 2012, you admitted the offending to the Police. The following items with their stated value were reported stolen:

ITEM	VALUE (VT)
Black Toshiba Laptop	160,000
Silver Canon Camera	12,000
Black Laptop back	4,000
Black Torch	12,000
Large green suitcase	6,000
Small black suitcase	12,000
Clothing	10,000



4. In sentencing you today I have taken into account the submissions made by the Prosecution and Mr. Molbaleh on your behalf. I have also considered the pre-sentence report.
5. Offences you committed are serious as the maximum penalty for the lead offence being unlawful entry of a dwelling house used for human habitation is 20 years imprisonment. As a starting point I sentence you to 2 years imprisonment. Your offending is further aggravated by the fact that the offences were committed at night under cover of darkness and it resulted in damage and loss of property therefore your sentence is increased to 3 years imprisonment.
6. Your pre sentence report states that you are currently serving a custodial sentence. For your late guilty plea I deduct 6 months. Taking into account the fact that you are a young man of 20 years of age I deduct a further 6 months leaving you with an end sentence of 2 years imprisonment which is to be consecutive on the last sentence of 3 years imprisonment imposed on you on 15 April 2014 in Criminal Cases 112, 113, 117 and 121 of 2013.
7. You have 14 days to appeal this decision if you are not happy with it.

**DATED the 30th day of April 2014
BY THE COURT**



**D. ARU
Judge**