

PUBLIC PROSECUTOR

V

LI JIANJUN

Defendant

Date of Conviction: 17th December 2021

Date of Sentence: 19th day of July, 2022 at 10:00 AM

Before: Justice Oliver Saksak

In Attendance: Mr Simcha Blessing for the Public Prosecutor

Mrs Mary Grace Nari for the Defendant

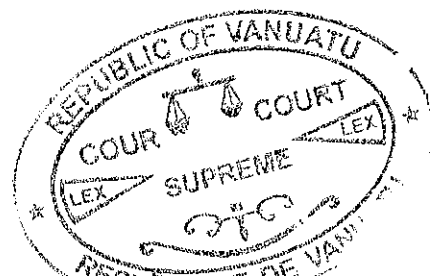
SENTENCE

Introduction

1. After trial hearings the Court was satisfied on the evidence adduced by the Prosecution witnesses beyond reasonable doubt that Mr Li Jianjun had committed the offences of misappropriation and accordingly convicted Mr Li on 17th December 2021.
2. He is here for sentence today.

The Charges

3. Mr Li was initially charged with 24 counts of misappropriation under section 125 (b) of the Penal Code Act [Cap.135]. Twelve (12) of the charges were withdrawn by the Prosecution. He was tried on the remaining 12 charges.
4. This offence carries the maximum penalty of 12 years imprisonment. It is a serious offence.



The Background Facts

5. The facts are set out in the verdict and I need not restate them.

Aggravating Features

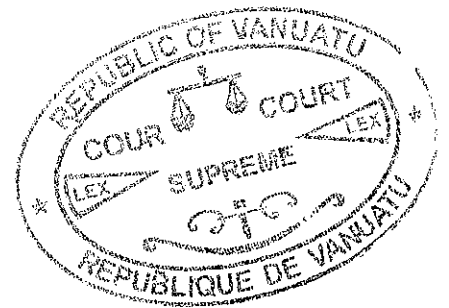
6. The amount involved was VT 11,415,245 belonging to three Chinese foreign nationals who upon trust, paid monies to the defendant to be invested into property namely, the purchase of the PYC Building in Port Vila. The defendant however dishonestly put those monies to further his own financial interests. He therefore caused substantial losses to these investors. Their monies have never been returned. There was a serious breach of trust, a degree of planning was involved, and subterfuge used by the defendant to cover up the reality of the situation.
7. There was no mitigating circumstances for the offendings. The defendant knew what he was doing and appeared to take pleasure in continuing to do it.

Comparative Cases

8. The cases of PP v Mala [2015] VUCA 30 and PP v Alexin John [2021] VUSC 170 are clear authorities and guideline cases for the Court to follow, although the amounts in those cases were lesser than in the current case. And those cases are different on their facts and circumstances.

Start Sentence

9. Taking the seriousness of the offences committed together with the mitigating circumstances and aggravating features of the offendings, I set the start sentence of the defendant at 7 years imprisonment.
10. I therefore sentence Mr Li Jian Jun to a start sentence of 7 years on each of the 12 counts to be served concurrently.



Mitigation

11. In mitigation, Mr Li is not entitled to 1/3 discount. But I take account of his age, his young family, his clean past record and other personal factors, and his willingness to repay the monies, I deduct his concurrent sentence of 7 years by 2 and 6 months years.

End Sentence


12. The end sentence for Mr Li is 4 years and 6 months imprisonment, with immediate effect as of today.
13. Mrs Nari submitted that any sentence imposed should be suspended. I do not consider suspension of sentence to be the appropriate option to take. There will be no suspension.

Right of Appeal

14. The defendant may appeal this sentence within 14 days if he does not agree with it.

DATED at Port Vila this 19th day of July, 2022.

BY THE COURT


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Oliver Saksak

Judge

