



PUBLIC PROSECUTOR

v

CASABELLA LAKONE

Date: 6 December 2022
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr T. Karae
Defendant – Mr J. Kausiama

SENTENCE

A. Introduction

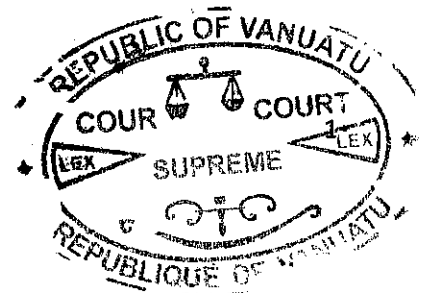
1. Ms Lakone pleaded guilty to theft.

B. Facts

2. At the time of the offending, Ms Lakone was an employee of the Melanesian Hotel.
3. In the period 3 June 2019-24 June 2019, Ms Lakone without authority used and permanently deprived her employer of VT101,270 of its money. The shortfall in the bank deposits was discovered after a review of the cashier's report. When questioned by the hotel Accountant, she admitted using the money.
4. She made full admissions to the Police.

C. Sentence Start Point

5. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.
6. The maximum sentence prescribed in the *Penal Code* [CAP. 135] for theft is 12 years imprisonment.



7. There is one mitigating factor of the offending – that Ms Lakone's father has made some reparation to the Melanesian Hotel.
8. The offending is aggravated by:
 - Premeditation;
 - Breach of trust; and
 - The impact on the complainant employer's business.

9. The factors set out above require a sentence start point of 12 months imprisonment.

D. Mitigation

10. Ms Lakone cooperated with the Police and pleaded guilty at the first opportunity. For these factors, I deduct one third from the sentence start point.
11. Ms Lakone is 31 years old, with no previous convictions. She is a single mother to 3 young children.
12. She is currently unemployed. She will find it difficult to find further gainful employment given her admitted dishonesty to her previous employer.
13. She is willing to perform a custom reconciliation ceremony.
14. Another month is deducted for Ms Lakone's personal factors.

E. End Sentence

15. Taking all matters into account, the end sentence imposed is 7 months imprisonment.
16. The need for a deterrent effect is required. On the other hand, I take into account that Ms Lakone is a first time offender, admitted the offending to her employer and to the Police and has a young family to look after. Therefore I am prepared to suspend the sentence for 2 years. Ms Lakone is warned that if she is convicted of any offence during that 2-year period that she will be taken into custody and serve this sentence of imprisonment, as well as the penalty imposed for the further offending.
17. In addition, Ms Lakone is sentenced to 100 hours community work and 12 months supervision including attending the *Vatu Wise and Personal Budgeting* rehabilitation program.
18. Ms Lakone has 14 days to appeal the sentence.

**DATED at Port Vila this 6th day of December 2022
BY THE COURT**


Justice Viran Molisa Trief

