

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

**Criminal  
Case No. 23/1073 SC/CRML**

**BETWEEN: Public Prosecutor**

**AND: Glen Malili  
Defendant**

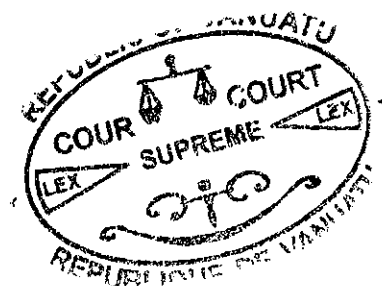
**Date of PLEA:** 10<sup>th</sup> July 2023  
**Date of Sentence:** 21<sup>st</sup> July 2023  
**Before:** Justice Oliver Saksak  
**In Attendance:** Mr Gregory Simeon for the Public Prosecutor  
Mr Lent Tevi for the Defendant

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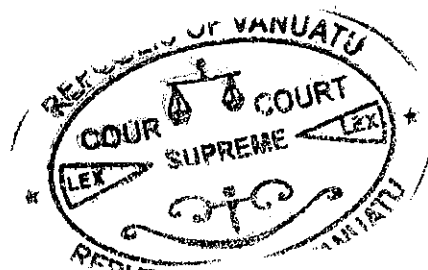
**SENTENCE**

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1. Glen Malili pleaded guilty to one count of unlawful entry and to three counts of theft.
2. These are very serious offences as unlawful entry (section 143 (1) ) carries the maximum penalty of 10 years imprisonment where the place is not used for human habitation. And theft (section 125 (a) ) carries the maximum penalty of 12 years imprisonment.
3. The facts are simple. On 6<sup>th</sup> June 2023 the defendant unlawfully entered the Santo kindergarten at Sarakata school area with intention to steal. At the time he stole a PNG Billum basket and a hard external drive.
4. Earlier on 2<sup>nd</sup> June 2023 at Zeng Store, Luganville the defendant stole a mobile cellphone and at Sunshine store at Sarakata he stole another mobile phone from a Digicel Direct Top- up Booth.
5. The defendant was apprehended and questioned by the Police as a result of the CCTV camera footage at Zeng Store showing the defendant stealing the phone from the cashier desk. He admitted to committing these offences.



6. The offences of theft appears to me to be the lead offendings. They were repeated on 2<sup>nd</sup> June 2023 in 2 different shops. And four days later, theft was repeated at a school. The values of the items taken were not specified or given. The repetitious acts of thefts indicate that the defendant is a habitual offender. He sold the phone he had taken from Zeng store of VT 6,000.
7. There are no mitigating circumstances for these offendings. But there are aggravating features as indicated through the facts. And his pre-sentence report shows he was imprisoned in 2022 for 3 months for theft, unlawful possession of dangerous drugs and for breach of a family protection order. So he is a repeat offender. He has not learnt or being deterred from his previous imprisonment.
8. Taking all the aggravating features together with the serious offendings committed and his previous conviction, I adopt the following sentences:-
  - a) For unlawful entry- count 1- 2 years imprisonment
  - b) For theft- Count 2- 2 years imprisonment concurrent.
  - c) For theft- Count 3- 2 years imprisonment concurrent.
  - d) For theft- Count 4- 2 years imprisonment concurrent.The total concurrent sentence shall be 2 years imprisonment as a starting sentence with no further uplift.
9. In mitigation I first deduct his sentence by 1/3 for guilty pleas, which is 8 months leaving the balance to be 1 year and 4 months imprisonment.
10. I have read his pre-sentence report showing his character and personal history. There are some negative aspects of his life, character and attitude. I note he is a young man of now 20 years of age. He has shown some remorse by at least returning the phone he stole from Sunshine store. And the police recovered a wool bag and black hard drive. I note he has been in custody on remand since 9<sup>th</sup> June 2023.
11. I deduct a further 4 months leaving his end sentence to be exactly 12 months or 1 year in prison. This sentence will not be suspended.



12. But his sentence is backdated to 9<sup>th</sup> June 2023 so he does not lose his parole privilege.
13. Glen Malili you are convicted and sentenced to an end sentence of 12 months imprisonment as a concurrent sentence for all four offences you committed. This sentence is to take immediate effect.
14. You may appeal against the sentence if you wish, within 14 days.

**DATED at Luganville this 21<sup>st</sup> day of July 2023**

**BY THE COURT**

