

**PUBLIC PROSECUTOR**

**V**

**GEORGE MAHIT**

**Coram:** *Hon. Chief Justice V. Lunabek*

**Counsel:** *K Massing for the State*  
*H Vira for the Defendant*

**Date of Plea:** *16 June 2022*

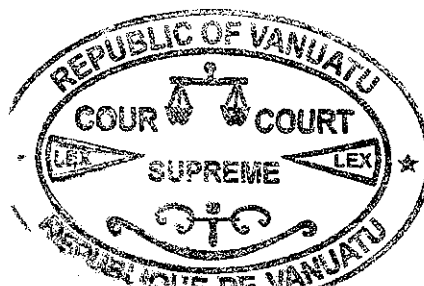
**Date of Sentence:** *9 May 2023*

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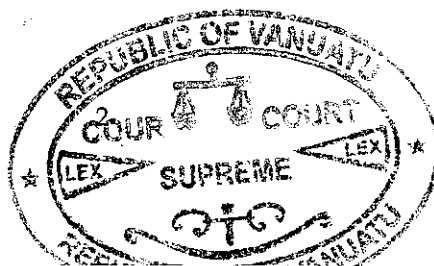
**SENTENCE**

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1. Mr George Mahit appears today for sentence after pleading guilty to one count of unlawful entry and one count of theft charged against him, contrary to sections 143(1) and 125 of the Penal Code respectively.
2. Mr George Mahit, you are from Paama island, Vanuatu and you reside at Etas area, Efate. You are described as a farmer.
3. The complainant is from Efate island and resides at Teouma village, stage 1. He is 40 years of age.
4. The brief facts is that on the 8<sup>th</sup> of May 2018, at Teouma area, Port Vila, you went to Michele Laloyer's house (under construction) at Teouma and stole seven (7) doors. On Friday 11<sup>th</sup> of May 2018 at 10:18hrs, Bob Johnson and Lingtamat Aurel confirmed that some unknown person(s) went inside the house and stole seven (7) doors at the construction site.



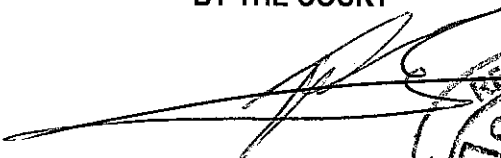
5. On the 16<sup>th</sup> May 2018, at 10:24hrs, Jim Kota stated that a young person approached him early morning inside his shop and told him that he was that person who took some doors and left them near Jim's nakamal inside Jim's yard.
6. On Wednesday 16<sup>th</sup> May 2018 at 14:10hrs, the complainant lodged a complaint to the police. The police arrested and cautioned you. You admitted stealing 7 doors as alleged.
7. Unlawful entry and theft are serious offences as reflected in the maximum penalty of 10 years and 12 years imprisonment imposed by law in respect to each offence respectively.
8. In the present case, the offending is aggravated by the following factors:
  - There was some degree of pre-meditation and planning;
  - The offending occurred at night time;
  - You were a farmer but you knew the existence of these doors as you were employed by the complainant. You, therefore, breached the trust between you and the complainant (sort of employee and employer);
9. There are no mitigating factors that contribute to the offending.
10. I adopt a start point sentence of 2 years imprisonment on both counts of unlawful entry and theft concurrently.
11. In mitigation, you were 21 years of age at the time of offending. You are now 28 years of age. You pleaded guilty at the first opportunity given to you and you admitted the offence. You are entitled to 33% reduction.
12. You are a year nine school leaver. You have maintenance skills. You build a house at Etas and you want to complete it. You have good relationship with your families and your chief. I give you a further discount of 2 months.
13. The offences occurred in 2018. You were prosecuted in 2022. I give you a further 2 months discount to reflect on this delay.
14. Your end sentence is 12 months imprisonment.
15. I consider the circumstances of your offending, the particular nature of the crime and your character as provided in the pre-sentence report filed by the probation officer, I decide and suspend your imprisonment sentence of 12 months imprisonment for a period of 1 year.



16. I explain to you the effect of the suspension of your imprisonment sentence and the consequence if you re-offend during the suspension period under section 57(1)(2) of the Penal Code Act [CAP. 135].
17. You have 14 days to appeal this sentence if you are unsatisfied with it. The 14 days starts at the date of this offence.

**Dated at Port Vila, this 9<sup>th</sup> day of May 2023**

**BY THE COURT**

  
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**Vincent LUNABEK**  
**Chief Justice**

