

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

Criminal
Case No. 23/979 SC/CRML

PUBLIC PROSECUTOR

v

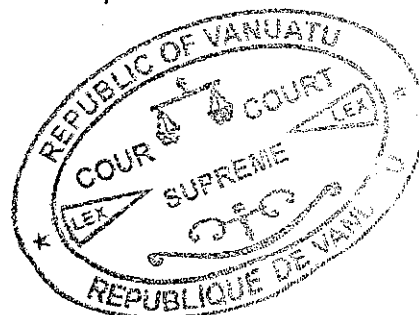
RONAH WAKO

Date: 17 January 2025
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr L. Young
Defendant – Mrs K. Karu

SENTENCE

A. Introduction

1. Mr Ronah Wako, you appear for sentence having pleaded guilty to the following charges:
 - a) Unlawfully entering a dwelling house contrary to subs. 143(1) of the *Penal Code* [CAP. 135] (Charge 1); and
 - b) Theft contrary to subs. 122(1) and para. 125(a) of the *Penal Code* (Charge 2).
2. You are convicted on those charges on your own pleas and the admitted facts.



B. Facts

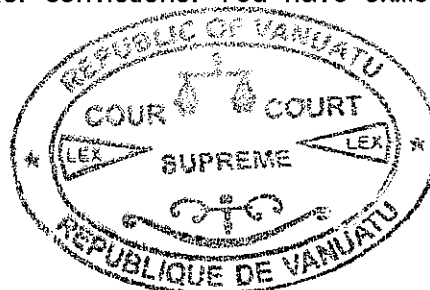
3. On 23 March 2022, you entered the dwelling house of Kenole Meltemal at Etas area on Efate. You gained entry into the house by breaking the screen of the main door and by removing the door lock (Charge 1). Without Mr Meltemal's consent and without a claim of right, you took and carried away from the house 1 music box (black colour, worth VT25,000), 1 pistol torch light (worth VT3,500), 1 bush knife (worth VT2,700), VT7,000 cash (church offering money) and groceries (worth VT5,000) (Charge 2). You knew Mr Meltemal because he had previously hired you to clean his yard. You admitted the offending under caution.

C. Sentence Start Point

4. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.
5. The maximum sentences prescribed in the *Penal Code* are:
- a) Unlawful entry of dwelling house – 20 years imprisonment (subs. 143(1); and
 - b) Theft – 12 years imprisonment (subs. 122(1) & para 125(a)).
6. There are no mitigating aspects of the offending.
7. The aggravating factors of the offending are as follows:
- Planning and premeditation;
 - Damage to property being the dwelling house which was broken into; and
 - Number/value of stolen goods.
8. The factors set out above require a global sentence start point of 3 years imprisonment.

D. Personal Factors

9. You pleaded guilty at the first reasonable opportunity however you had little option but to do so. Accordingly, 25% is deducted from the sentence start point for your guilty pleas.
10. You are 44 years old. You live intermittently with your widowed father and siblings. You are single. You have no prior convictions. You have skills in small-scale



gardening and building houses. Two months is deducted from the sentence start point for your personal factors.

11. You have served time in custody since 26 August 2024 which is a period of 4 months 23 days, an effective term of imprisonment of 9 and a half months. Accordingly, a further 9 and a half months is deducted from the sentence start point.

E. End Sentence

12. The applicable sentencing principles are to hold you accountable and to denounce and express public disapproval of your conduct. The sentence is also to deter you and others from such offending, to ensure you take responsibility for your actions and help you to rehabilitate.
13. Taking all matters into account, the following end sentences are imposed concurrently:
 - i) Unlawful entry of dwelling house (Charge 1)
1 year 3 months 2 weeks imprisonment; and
 - ii) Theft (Charge 2) 1 year imprisonment.
14. Taking into account the circumstances including the time you have already served in custody, the nature of the offending and your character, your sentences are suspended for 18 months. You are warned that if you are convicted of any offence during that 18-month period, that you will be taken into custody and serve these sentences of imprisonment, in addition to any other penalty that may be imposed for the further offending.
15. In addition, you are to complete 100 hours of community work.
16. You have 14 days to appeal the sentence.

**DATED at Port Vila this 17th day of January 2025
BY THE COURT**


Justice Viran Molisa Trief

