

**IN THE SUPREME COURT OF THE
REPUBLIC OF VANUATU – Luganville,
Santo**
(Criminal Jurisdiction)

Criminal Case No. 25/3663 SC/CRML

BETWEEN: PUBLIC PROSECUTOR
Port Vila

State

AND: Hendrix Bani Tari
Port Vila

Defendant

Date of plea: 9 December 2025
Date of sentence: 19 December 2025
Before: Justice B. Kanas Joshua
Counsels: Ms Betina Tamau, for the State
Ms Barbara Taleo, for the defendant

SENTENCE

Introduction

1. Mr Hendrix Bani Tari, you appear today because you pleaded guilty to the following charges on 9 December 2025:
 - a. Unlawful entry of a non-dwelling house¹,
 - b. Attempted theft², and
 - c. Malicious damage to property.³
2. This sentence is to hold you responsible for your actions so others, who also behave this way, can see that this is against the law and it has serious consequences, so they can stop their actions, as it causes social harm. This sentence should help you to rehabilitate, and must be generally consistent.

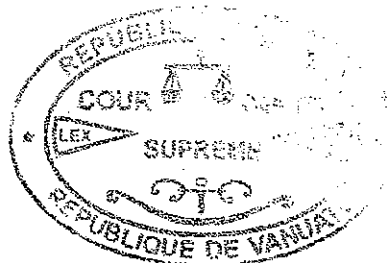
Facts

3. One night in August 2025 you were drunk and decided to break into the office of the National Bank of Vanuatu ("NBV"), that is adjoined to the Western Union office in the TORBA provincial headquarters. You were with your friend, Jayden, and you intended to steal money from the office. As you approached the provincial headquarters Jayden refused to break into the building and sat outside the Secretary General's office instead. You then grabbed Jayden's phone and went about your plan. You removed a louver and pushed your hand in and unlocked the door from inside and entered the building.

¹ Section 143(1) of the Penal Code Act (CAP 135).

² Section 28(1) and 125(a) of the Penal Code Act (CAP 135).

³ Section 133 of the Penal Code Act (CAP 135).



4. Inside the building, you gained entry to NBV via the Western Union's office. You attempted to gain entry into the "strong room" where monies are kept, but you did not succeed. Under caution, you said you had tried to use a screwdriver but did not succeed. During investigations, the police found damages done to the door handle of the "strong room" and one louver was removed.
5. With this unsuccessful attempt, you returned to Jayden, who was now accompanied with another boy, Gino. You told them you did not get any money.⁴

Starting point

6. Following the two steps approach in *Jimmy Philip v. Public Prosecutor*⁵, a starting point must be determined. Reference is made to the aggravating and mitigating factors of the offending and the maximum penalty of the offence.
7. The maximum penalties of the offences are:
 - a. 10 years imprisonment (unlawful entry non-dwelling house),
 - b. 12 years imprisonment (attempted theft), and
 - c. 1 year imprisonment and/or VT5,000 fine (malicious damage to property).
8. The aggravating factors here are:
 - a. The offending occurred at night;
 - b. The offending was planned given that it occurred at night;
 - c. The financial loss sustained from the damage.
9. There are no mitigating factors of the offending.
10. Cases considered for the starting point are *PP v. Daniel*⁶, and *Amos v. PP*⁷. The court imposed a global starting point of 3 years for both counts of unlawful entry and theft in *Daniel*. In *Amos*, the court stated that the starting point of 2 years imprisonment used in *PP v. Maleb*, is appropriate. In the two cases, the defendant actually stole items including money. In the present case, the defendant was unsuccessful in stealing any money. However, he unlawfully entered the building by damaging the property. For all 3 counts, I give a global starting point of 2 years imprisonment.

Guilty plea and personal factors

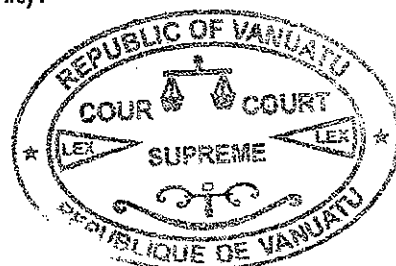
11. From the starting point I make the appropriate deductions for the guilty plea and personal factors. Firstly, for the guilty plea I give a 33% reduction. This brings the sentence to approximately 16 months imprisonment.
12. Secondly, I consider the following mitigation factors and deduct 2 months:
 - a. The guilty plea was entered at the earliest opportunity.

⁴ "Sorry, mi no karem any mani nomo."

⁵ [2020] VUCA 40, which applied *Moses v. R* [2020] NZCA 296.

⁶ [2024] VUSC 185.

⁷ [2024] VUSC 199, which applied *PP v. Maleb* [2023] VUSC 200.



- b. He is a first-time offender.
- c. He is 17 years old and is a year 10 student.
- d. He lives and depends on his parents.
- e. He cooperated with the police.
- f. He has complied with bail conditions.

13. This brings the sentence to 14 months imprisonment, which I must now deduct the time spent in remand. He was remanded from 10 September – 9 October 2025. This is a total of 4 weeks in custody, which equates to an effective sentence of 8 weeks or 2 months imprisonment.

End sentence

14. Mr Hendrix Bani Tari, you are sentenced to 12 months imprisonment.

15. You are 17 years old and still a student. You have many years ahead of you to do something positive for your community. For this reason, I am suspending your sentence for 12 months, under supervision. This means you must not reoffend within this period. If you do, you will be arrested immediately to serve this sentence with any new offence.


16. I further order that

- a. You must do community work for 60 hours;
- b. You must attend any suitable programs offered by Probation Services to help your rehabilitation.

17. You have 14 days to appeal this sentence.

Dated at Port Vila on this 19th day of December, 2025

BY THE COURT


Justice B. Kanas Joshua

