

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

Criminal
Case No. 24/2020 SC/CRML

BETWEEN: Public Prosecutor

AND: Kambol Macreveth
Defendant

Date of Conference: 1st April 2025

Before: Hon. Justice Oliver A. Saksak

Counsel: Ms Josephine Tete for Public Prosecutor
Ms Babara Taleo for the Defendant

DECISION

Introduction

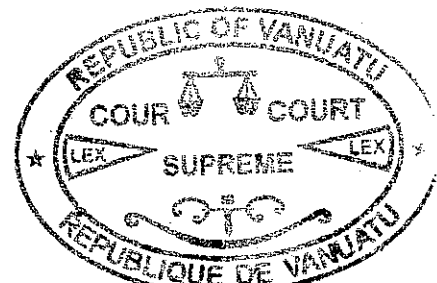
1. This is an application seeking a variation or cancellation of the defendant's order for community work for 60 hours.
2. On 22nd July 2024 the Court sentenced the defendant to an end sentence of 10 months imprisonment and suspended it for 2 years. In addition the Court sentenced him to 60 hours of community work.
3. The defendant served only 10 hours of the community work hours and reoffend. He was charged and again convicted. He was remanded again on 5 August 2024 but sentenced on 6th December 2024 to 5 ½ months imprisonment to be served concurrently with his 10 months sentence for his earlier offendings. The sentence was backdated to 5 August 2024. He served his full sentence and was released on 21st January 2025.

Issue

4. Should the order of community work of 22nd July 2024 be varied or cancelled?

Discussion

5. The sentence of 60 hours of community work was in addition to the sentence of 10 months imprisonment. These were conditional on the defendant not reoffending within 2 years.



6. In this case the defendant reoffended within the suspended period. He was charged again and sentenced for the new offending which was made concurrent with the 10 months imprisonment sentence for his previous offendings.
7. That being so, the earlier sentence was upsorbed into the new sentence. It is therefore no longer a live issue to be enliven.
8. The application is therefore allowed. The Orders of sentence of Community work dated 22nd July 2024 is hereby cancelled.

DATED at Luganville this 1st day of April 2025

BY THE COURT


Hon. Oliver A Saksak

Judge

