

## **SESSION 4: SENTENCING**

### **Questions:**

Outline your decision on sentence assuming Mr Reuben and Mr Ono are convicted of money laundering under Count 4.

Take into account the following matters in addition to those outlined above:

Mr Reuben:

- Is 60 years old.
- He suffers from diabetes and a hypertension and had a stent inserted a few years ago.
- Is a leader in his community and was awarded a CBE several years ago for his contribution to public works across the country.
- He is a leader and highly respected in his community and church, where he is known to be generous to those in need.
- He has played a critical role in bringing peace to several tribal conflicts in his province over the years.
- He is known to be generous to those in need.

Mr Ono:

- Is 40 years old.
- His father died when he was only a child.
- Is a self made businessman.
- He left school in Grade 10.
- He is the sole director of his two companies.
- Is the sole breadwinner for his immediate family in Australia, including his wife, 15 year old daughter and 11 year old son, both of whom attend private school in Brisbane.
- He also supports his mother and extended family in the village.

### **Suggested Answer**

*Considerations - Reuben:*

- *Identify the maximum penalty*
- *Identify guideline or comparative cases, if any*
- *Personal circumstances*
  - *Age, education, health, etc*
- *Seriousness of offending*
  - *Amount of monies involved*
  - *Level of seniority – level of trust abused*
  - *Source of funds – proceeds of official corruption using public monies*
  - *Some planning involved*
  - *Impact on public confidence in management of public monies given senior position held*
  - *For personal benefit*
- *Mitigation*



- *Long history of outstanding service but of limited weight when considered that it was his long history of service etc that put him in the position in which offence committed*
- *Not worst kind of offending warranting the maximum*
- *But serious and likely calls for sentence of imprisonment reflecting the need for general and specific deterrence*
- *Consider whether sentence for money laundering should be made cumulative or consecutive with sentence for bribery*
- *Consider parity with Ono*

*Ono*

- *In terms of parity some difference in personal circumstances*
- *As to role, whilst not a breach of trust on his part, it was he who instigated the offending and he who financially benefitted by far the most.*
- *Consider therefore whether sentence imposed should be similar to if slightly shorter than that for Reuben.*

