

(Criminal Jurisdiction)

PUBLIC PROSECUTOR

VS.

ALSIK MAKMUE

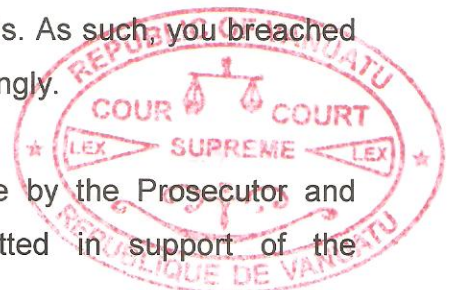
Mr Justice Oliver A. Saksak
Mrs Anita Vinabit – Clerk

Mr P. Wirrick for Public Prosecutor
Miss J. Tari for Defendant

Date of Submissions Hearing: 3rd August 2011
Date of Sentence: 3rd August 2011

ORAL SENTENCE

1. Alsik Makmue you pleaded guilty to burning down your own copra drier sometimes on 8th February 2011. That is an offence against Section 134 (1) of the Penal Code Act Cap. 135.
2. Unfortunately the copra that was on the drier at that time was not yours but your brothers John and Dominique. John had 10 bags and Dominique had 20 bags. Altogether they amounted to 30 bags. All these were destroyed.
3. The Court understands from your pre-sentence report that you had been subjected to continuous threats and harassment for some 10 years coming from your own family members and relatives. The Chiefs were not helpful to you either. But your means of seeking assistance outside of your village was not exhaustive. When you acted the way you did, you took the law into your own hands. As such, you breached the peace and you must be punished accordingly.
4. After considering all the submissions made by the Prosecutor and defence counsel, and the cases submitted in support of the



submissions, the Court must in light of what the Court of Appeal said in Livo Worahese v. PP VUCA 11, impose a sentence that will act as a deterrence to deter you and others who may have an inclination to commit acts of arson to other peoples properties.

5. As such, I consider that in the circumstances of your case the starting point is 2 years imprisonment. I will allow credit for your mitigating factors such as early guilty plea, good cooperation with police and being a first-time offender. For these, your 2 years imprisonment is reduced by 12 months leaving the balance of 1 year imprisonment.
6. Your sentence of 1 year imprisonment is however suspended for a period of 2 years on condition that you do not commit this offence or any other offences within a period of 2 years from today. This suspension is made pursuant to Section 57 of the Penal Code Act Cap. 135 (as amended).
7. Further, the Court orders that you pay compensation to your brothers John in respect of 10 bags of copra, an amount of VT10.000 and to Dominique VT20.000 in respect of his 20 bags of copra. You must find money to pay a total of VT30.000 to your two brothers within 12 months from today's date. Payments must be made to the Court on or before Friday 3rd August 2012. It is important that you comply with this order before the given date.
8. That is the sentence of the Court.

DATED at Luganville this 3rd day of August 2011.

BY THE COURT


OLIVER A. SAKSAK
Judge

