

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

**Criminal  
Case No. 21/1183 SC/CRML**

**BETWEEN: The Public Prosecutor  
Prosecutor**

**AND: Frank Mahe  
Defendant**

**Coram: Justice Aru  
Counsel Mr. P. Sarai the Public Prosecution  
Mr. C. Gesa for the Defendant**

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**SENTENCE**

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**Introduction**

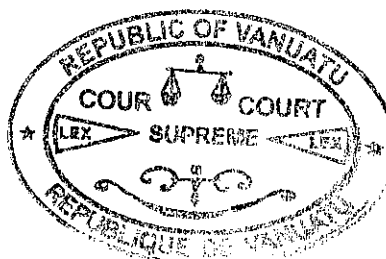
1. Mr Frank Mahe was charged with a single charge of arson .He pleaded guilty to the charge and accordingly is convicted.

**The facts**

2. On 25 December 2018 the complainant who is the defendant's de facto partner went drinking with her friends. This made the defendant very angry with her and told her to stop. He then burned a shelter they had been using as a bush kitchen and collected the complainant's clothes and also threw them into the fire.
3. When cautioned by the Police the defendant admitted the offending.

**Starting point**

4. The maximum penalty for arson is 5 years imprisonment. Next I need to consider whether there are any aggravating or mitigating factors of the offending. The offending is aggravated by the fact that there is a breach of trust and the property of the victim thrown into the fire were completely destroyed.
5. There are no mitigating factors of the offending.
6. The starting point of sentence is 3 years imprisonment.



## Personal factors

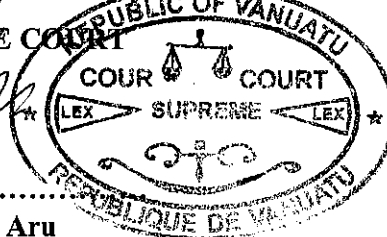
7. The defendant entered a guilty plea at the earliest opportunity. He admitted the offending to the Police when the matter was reported. The sentence will be discounted by one third.
8. A Pre-Sentence Report was filed and provides details about the defendant. He is from Mele village on Efate and is 53 years old. He is a first time offender and comes from a family of two brothers and four sisters .He maintains a good relationship with his family and community. He lives in a de facto relationship and has a daughter. He earns his income to support his family by raising pigs for sale. He completed his education at the primary school level and has skills in building construction and sawmilling and selling timber.
9. The defendant has expressed remorse for his offending and performed a custom reconciliation with the victim and her chiefs by exchanging the following items:-
  - I pig (valued at VT45,000)
  - 10 mats
  - 2 roll Calico (40 yards)
  - Root crops (manioc, Kumala, and Yams , bananas etc)
10. The victim's chief confirmed acceptance of the reconciliation as the victim has moved on and now resides on Tanna.
11. The offending occurred in 2018. There has been a delay of almost 3 years for the prosecution to progress the case.
12. Taking these factors into account the sentence is further reduced by 14 months.

## End Sentence

13. The end sentence is 10 months imprisonment. The sentence is suspended for a period 12 months.
14. The defendant has 14 days to appeal if he disagrees with the decision.

DATED at Port Vila this 24<sup>th</sup> day of June 2021

BY THE COURT



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D. Aru  
Judge