

**PUBLIC PROSECUTOR**

**V**

**AMU MAKLAOT**

*In Attendance: Mr. Solomon Asang for the State  
Ms. Akineti Yeeon for the defendant*

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**SENTENCE**

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**A. Introduction**

1. Mr. Amu Maklaot pleaded guilty on the charge of arson.
2. He is therefore convicted as charged.

**B. Facts**

3. The complainant is Mr. George Romo of Atchin Island.
4. He filed a complaint in the Police Station at Lakatoro in Malekula Island alleging that the defendant on 4 December 2023 set fire on his cocoa plantation causing damage to 19 stems of cocoa plants.
5. The police arrested the defendant and upon cautioning him, he admitted the offending.

**C. Sentence starting point**

6. The maximum penalty of arson is 10 years imprisonment.
7. There are no mitigating aspects of the offending. The aggravating factors are:

- Causing substantial loss in cocoa plant and revenue generation to sustain family.
8. In considering the aggravating factor, I set a starting point of 1-year imprisonment.

#### **D. Deductions for Guilty Plea**

9. The defendant pleaded guilty at first opportunity. He is entitled to one-third reduction.
10. This flows from his prior admissions to the Police at cautioning. He is therefore entitled to one-third reduction of his starting sentence, which is 4 months.

#### **E. Personal Factor**

11. The defendant is 25 years of age and is born and raised in Atchin Island.
12. He lives with his parents in Malekula Island.
13. He is a first time offender.
14. He expressed remorse for his actions.
15. He pleaded guilty at first given opportunity.
16. Upon his arrest in Malekula, he was flown to Santo where he was remanded in custody for over a month.
17. He cooperated with the Police during investigation.
18. For his personal factor, I make a further discount of 4 months.

#### **F. End Sentence**

19. The sentencing principles achievable in this case amongst others expressed in *Public Prosecutor v Vahirua* [2018] VUSC 15 are to hold you accountable for your conduct, to denounce your criminal conduct, to protect the community, to promote sense of responsibility for the harm done and to assist in your rehabilitation and re-integration.
20. Taking into account all matters in relation to all matters aggravating and mitigation personal to your offending, the end sentence imposed on your offending is 4 months imprisonment.
21. I note from the defence counsel's submission that the defendant is the youngest of eight siblings who resides with his parents on Malekula Island. Because of his offending, he was flown to Luganville Correctional Center where he was kept in remand for over a month.
22. On the foregoing, his imprisonment sentence is suspended for 1 year.
23. This means he must not re-offend within 1 year.

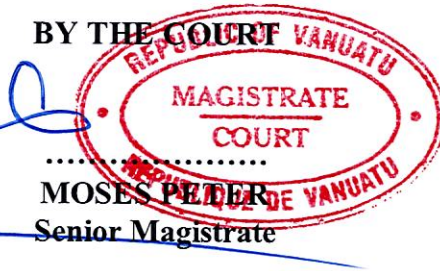
24. If he reoffends again within 1 year, this suspended sentence will be lifted and he will serve 4 months imprisonment together with any other sentences imposed on him for his re-offending.
25. For completeness, I also order 60 hours of community work sentence.
26. He is to see a Probation Officer in the Correctional Department no later than 72 hours to discuss his community sentence work plan.
27. The defendant is to pay VT 2,000 prosecution cost in 7 days.
28. The Officer in charge of the Correctional Center in Luganville, is to release the defendant forthwith.

**G. Appeal**

29. He has 14 days to appeal to the Supreme Court if he is not satisfied with this sentence.

**DATED at Luganville, this 13<sup>th</sup> day of March 2024**

**BY THE COURT**



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**MOSES PETER**  
**Senior Magistrate**