

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

**Criminal**  
**Case No. 20/2090 SC/CRML**

**PUBLIC PROSECUTOR**

**v**

**RODNEY SOPE**

*Date:* 30 October 2020  
*Before:* Justice V.M. Trief  
*Counsel:* Public Prosecutor – Ms J. Tete  
Defendant – Mr J.W. Taiva

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**SENTENCE**

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A. Introduction

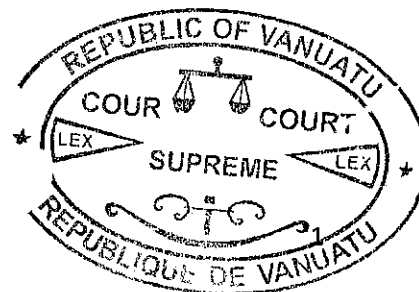
1. Mr Sope pleaded guilty to charges of attempted arson, criminal trespass and malicious damage to property.

B. Facts

2. On 14 June 2020, Mr Sope went into Marie Mala's yard at Blacksands Area and angrily confronted her, telling them to leave the yard and to go and live somewhere else.
3. Mr Sope left but then returned later holding a container of benzene, dry coconut leaves and a lighter. He broke six louvers of Ms Mala's house then poured benzene into the house. He also threw a stone at the wall of the house that damaged the wall.

C. Discussion

4. The maximum penalties are:
  - Attempted arson – 10 years imprisonment;
  - Criminal trespass – 1 year imprisonment; and



- Malicious damage to property – 1 year imprisonment or VT5,000 fine or both.
5. There are a number of aggravating factors to the offending:
- There was a degree of planning; and
  - The fear caused to the complainant for her life and property.
6. In mitigation, Mr Sope did not actually set fire to Ms Mala's house. Mr Taiva submitted that Mr Sope was driven to this offending by the verbal abuse hurled at him throughout the preceding night by a group of drunken men from a neighbouring yard. This culminated in a fist fight with one of the drunken men early in the morning when the group came closer to Mr Sope's house and shouted and swore at him. In his continuing anger, Mr Sope then damaged Ms Mala's house which another of the drunken men lives at. It was not the first time that he had had trouble with the same people.
7. The maximum penalties for this offending and the factors above require a global sentence start point of 12 months imprisonment.
8. Mr Sope pleaded guilty at the first opportunity. However, the strength of the Prosecution case meant he had little option but to plead guilty. This warrants a 20% deduction.
9. Mr Sope is 33 years old. He has no prior convictions. Mr Sope lives on his family land. He is married and has two children. He is a casual worker for Ifira Trustees Limited and otherwise earns a living from selling his crops at road markets. Mr Sope is one of the founders of Ifira Marine Management ('IMM'), a non-government organisation whose purpose is to safeguard the waters of Ifira including through collecting rubbish from the sea, monitoring fishing activities, a reef nursery and creating conservation areas. He has the strong support of Chief Manto Kalsakau III. I deduct 2 months imprisonment from the sentence start point for Mr Sope's personal factors.

D. End Sentence

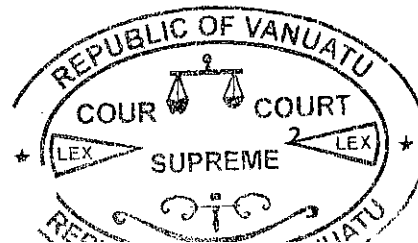
10. Taking all of those matters into account, the end sentences imposed concurrently are:

- Attempted arson (Count 1)                                  8 months imprisonment;
- Criminal trespass (Count 2)                                 3 months imprisonment; and
- Malicious damage to property (Count 3)             3 months imprisonment.

11. The sentences are to commence on 16 October 2020 due to the period from 15-29 June 2020 that Mr Sope spent in custody.

E. Suspension of Sentence

12. I have the ability, in certain circumstances, to suspend an imprisonment sentence in part or entirely. In view of the following factors:



- Mr Sope's lack of prior criminal history and strong community involvement mean that he has very good prospects of reform and rehabilitation;
- Mr Sope was provoked. He then acted in anger and in the heat of the moment rather than finding a way to resolve the dispute peacefully by talking and not by violence to people or property. Mr Taiva submitted that Mr Sope has learnt from this and will not take the law into his own hands again in the future. I trust that he does so;
- The offending did not involve the house actually being set alight; and
- Mr Sope has a young family to take care of;

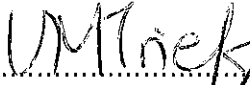
I consider that it is not appropriate to make Mr Sope suffer an immediate imprisonment. Mr Sope's sentences are entirely suspended. The suspensions of sentence are to run for 2 years. Mr Sope needs to remain offence-free to avoid having to serve the sentences.

13. I consider that keeping Mr Sope in the community is practicable and consistent with the safety of the community.

14. In addition, I impose a sentence of 50 hours' community work.

15. Mr Sope has 14 days to appeal this sentence if he does not agree with it.

**DATED at Port Vila this 30<sup>th</sup> day of October 2020  
BY THE COURT**

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 Viran Molisa Trief  
 Judge

