

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

**Criminal
Case No. 23/2890 SC/CRML**

PUBLIC PROSECUTOR

V

KAWI KILMA

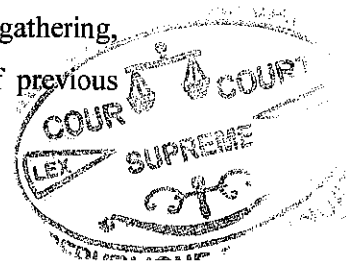
Before: Justice Oliver A. Saksak

*Counsel: Marie Taiki for Public Prosecutor
Willie Kapatu for the Defendant*

*Date of Plea: 7 November 2023
Date of Sentence: 13 December 2023*

SENTENCE

1. The defendant pleaded guilty to one charge of arson and is here for sentence today.
2. He admitted to setting fire to a building belonging to the John Frum Movement, used as a church house on 10 September 2023. The house was made of local bush materials. It was completely burnt down.
3. The defendant was drunk at the time. He approached the people gathered in the building for worship and shouted at them to get out of the building.
4. When he was approached by his brothers to try and calm him down he became aggressive. He held a knife in his hand and threatened them. He tried to set fire also to his own house. He was finally overpowered and fastened up with a robe whilst awaiting the Police.
5. The defendant has though his admission accepted those facts. His only reason was that he was angry.
6. This offence of arson attracts the maximum penalty of 10 years imprisonment.
7. There were no mitigating circumstances for the offending.
8. There were aggravating features such as interference with religions gathering, threats and the holding of a knife. Further that he is a man of previous


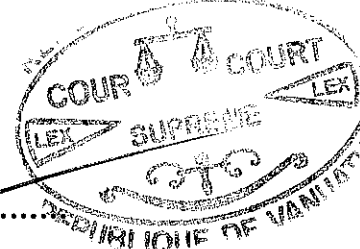


convictions which although for offendings not related, were serious and one which activated a suspended sentence in 2021 to be served in 2022.

9. Taking all these into consideration, I consider that the appropriate sentence is to be one of a custodial sentence. I therefore convict and sentence the defendant to a start sentence of 4 years imprisonment.
10. In mitigation I allow a 1/3 reduction for his guilty plea.
11. For his custom reconciliation showing remorse, and his other personal factors, I reduce his sentence by a further 8 months. That leaves his end sentence to be 2 years imprisonment.
12. This sentence will not be suspended as there are no exceptional circumstances.
13. This sentence is backdated to 26 September 2023 when he was first taken into custody on remand.
14. As he is currently in custody, section 50 of the Penal Code Act does not apply. His sentence takes immediate effect.
15. He however has a right to appeal against the sentence within 14 days if he so chooses.

DATED at Port Vila this 13th day of December, 2023.

BY THE COURT

Oliver A. Saksak

Judge