

PUBLIC PROSECUTOR

v

REX WARPOCPOC

*Defendant*

*Coram: Justice Oliver A. Saksak*

*Counsel: Ms Laura Lunabek for Public Prosecutor  
Mr Steven Garae for Defendant*

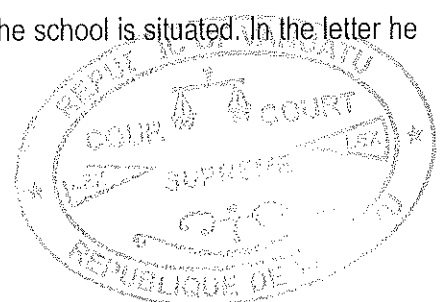
*Dates of Plea: 15<sup>th</sup> July 2024  
Date of Sentence: 23<sup>rd</sup> July 2024*

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## SENTENCE

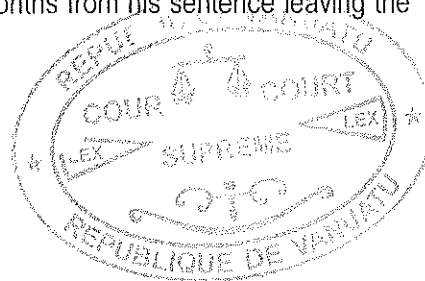
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1. Rex Warpocpoc was re-arraigned on 18 July 2024 after he received advice from Mr Garae and pleaded guilty to one count of Malicious Damage to property contrary to section 133 ( Count 1) and to one charge of demanding money with menace contrary to section 132 of the Penal Code Act, ( Count 2). And he is for sentence today.
2. There is no specific penalty provided in the Penal Code Act for the offence of Malicious damage to property therefore resort must be had to section 36 ( 3) of the Interpretation Act [ Cap 132] which provides the maximum penalty of VT 5,000 fine or imprisonment for 1 year or to both.
3. The penalty for demanding money with menace is a serious offence which carries the maximum penalty of 15 years imprisonment.
4. The facts are simple. On 6<sup>th</sup> December 2023 the defendant cut the wire fence of the Hog Harbour Junior Secondary School. And on 15 January 2024 he delivered a letter to the School through its Principal in which he claimed ownership to the land on which the school is situated. In the letter he



accused the school of paying money to Reomul Moa and demanded in the letter that he be paid VT 700,000 before the school term starts or he would put up a namele leaf to close down the school. His actions caused fear to the students prompting the Principal to lodge a formal complaint to the Police.

5. When questioned by the Police the defendant remained silent and said he would speak only in Court. In Court he explained orally that he had cut only a small space in the school fence in order to have access to his father's grave to maintain it. He also explained that he felt he was unfairly treated when the school paid monies to other land- claimants but not himself. This gave rise to him writing the letter demanding for land rental payments.
6. Those are mitigating circumstances for his offendings. It appears to me that his demands were valid but that they fell on deaf ears. Had his demands been considered urgently and answered, his actions might have been avoided. His father's grave is fenced in and all he asked for was a small access gate but that fell on deaf ears. He was therefore forced to take an unlawful action.
7. Having said all that, it is my view that a custodial sentence is warranted as a deterrence and a protective measure, but the sentence is to be suspended on good behaviour.
8. I therefore sentence the defendant as follows-
  - a) For Damage to Property – Count 1 – A sentence of 3 months imprisonment concurrent with the sentence for Count 2.
  - b) For Demanding money by menace- Count 2- A sentence of 2 years imprisonment.In total he is sentenced to 2 years imprisonment.
9. In mitigation I first deduct his sentence by 1/3 for guilty plea. The balance of his sentence is 1 year and 4 months imprisonment.
10. Next, I consider his public apology made to the Court on 18<sup>th</sup> July 2024 and his clean past record together with his other personal factors, I deduct a further 4 months from his sentence leaving the



end sentence to be exactly 12 months. He spent 35 days in custody on remand from 2 February 2024 to 1<sup>st</sup> March 2024. These are deducted from his end sentence of 12 months leaving the balance to be 10 months and 25 days imprisonment.

11. Due to the circumstances and nature of the offences committed, I Order that the end sentence of 10 months and 25 days imprisonment be suspended for a period of 2 years from the date of sentence on good behaviour. This means that the defendant must not commit any other offences for a period of 2 years. If he does and is charged and convicted, he will go to prison for 10 months and 25 days.
12. That is the sentence of the Court for the defendant. He has a right of appeal against the sentence within 14 days if he so chooses.

DATED at Luganville this 23<sup>rd</sup> July 2024

BY THE COURT

  
Hon. OLIVER A SAKSAK

Judge

