

PUBLIC PROSECUTOR -v- RONNIE MICHEL

JUDGMENT:

The accused was charged that on the 19th August 1986 at Port Patrick village, Aneityum, he wilfully and unlawfully set fire to buildings in Port Patrick village, the property of another or others, an offence contrary to section 134 of the Penal Code Act 1981.

The accused pleaded not guilty.

The evidence led against him was that of two women, mother and daughter, who lived in Port Patrick village and stated that about midnight they were awakened by someone setting fire to their native house. They rushed out with their children and saw the accused running about with burning coconut leaves setting fire to their house and other houses. They both stated they knew the accused who came from Unmej village. It was a moonlight night and the light from the burning coconut leaves and the burning houses showed the person who was causing the burning to be the accused. Another lady witness who lived further up in the village came to the door of her house and saw the accused running away still with the lighted coconut leaves. She identified him clearly by the light of the moon and the burning coconut leaves. The accused's defence was an alibi. He merely stated he was not there and no more.

I summed up to the assessors as per my summing up notes attached. They barely took five minutes to reach the decision that the accused was guilty as charged. I agreed with their views, found the accused guilty and convicted him.

This was a serious case where women and children could easily have been burnt alive but for the immediate action of the villagers hearing the noise of the fire and seeing the flames, fleeing from their houses. In my opinion, the Court should pass a sufficiently substantial term of imprisonment to mark publicly the gravity of the offence. In this case, I considered 4 years should be a minimum sentence for such a dastardly crime and I so ordered.

Dated at Vila this 23rd day of March, 1988.

*Frederick G. Cooke*

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CHIEF JUSTICE