

**BETWEEN: Public Prosecutor**

**AND: Zepeta Noah Tari**  
*Defendant*

*Before: Dudley Aru*

*Counsel: Mr. L. Young for the Public Prosecutor  
Mr. L. Moli for the Defendant*

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**SENTENCE**

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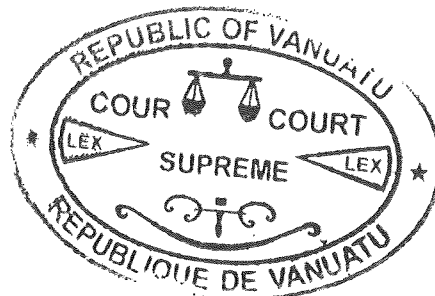
1. **ZEPETA NOAH TARI** appeared in Court today for sentencing. He was charged with one count of arson contrary to s 134 (1) of the Penal Code [CAP 135]. This offence is punishable by a maximum penalty of up to 10 years imprisonment.

***"134. Arson***

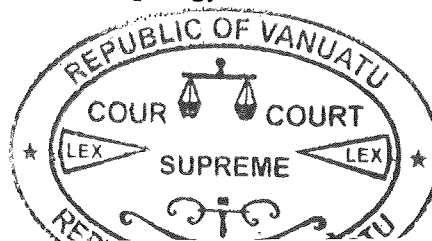
*(1) No person shall wilfully and unlawfully set fire to, or damage by means of any explosive, any building or other property whatsoever which to his knowledge belongs to another.*

*Penalty: Imprisonment for 10 years."*

2. On 4 September 2018 he entered a guilty plea to the charge and was convicted accordingly.
3. On 1 July 2018 a formal complaint was made to the Police by the complainant against the defendant for burning down her house on 30 June 2018. At the time of the incident the complainant was looking after a neighbour's house as they had travelled abroad to Noumea New Caledonia. Around 1 to 2 am that night the complainant heard the defendant calling her name but she did not respond and hid from him. She recognised his voice and saw his face as he broke a window and lit some matches to look inside the house. She later went outside and saw her house in flames. She saw the defendant jumping over the fence into another yard and his shirt got stuck in the fence and was ripped off.



4. The complainant then went to Mele Maat village and reported the matter to one Eli and later met the defendant at one Sambo Kalosil's house. She asked the defendant why he burnt her house but he swore at her. The house was made of local materials or natangura and everything in it was destroyed including the following:
  - The complainant's sons cloths and 3 bags of cloths;
  - Her son's School books;
  - A suit case containing the complainant's documents;
  - Her Vanuatu passport;
  - Her son's birth certificate;
  - All kitchen utensils namely spoons, plates ,basin, cups etc;
  - The complainant's property in the house was all damaged.
5. Two witnesses confirmed seeing the fire which completely destroyed the house. When the defendant was cautioned and interviewed by the Police he admitted burning down the complainant's house. The offence of arson prohibits anyone wilfully and unlawfully setting fire to any building or property which he knows belongs to someone else. In this case the defendant knew that the house belonged to the complainant and is where she lived. He wilfully burned it to the ground with all its contents. That is irresponsible and shows a total lack of respect for another person's property. There is also an element of planning involved as the defendant called out the complainant's name then broke the window in the neighbour's house hoping to see the complainant who hid from him. He then went and burnt the house before jumping over the fence.
6. Having considered these factors I adopt a starting point of 4 years imprisonment.
7. The defendant is 30 years old and is of mixed Vanuatu and New Caledonia parentage. He lives in a de facto relationship with a divorcee but does not have children of his own and has adopted an 18 year old boy. The defendant left school at class 6 and has some carpentry skills obtained by working with various construction companies. He is a member of the NTM church. He told the Probation officer that he was sorry for what he did, however no custom reconciliation has been performed to the victim.
8. Mr Moli submits that the defendant spent 2 weeks remanded in custody and that any sentence be further reduced by the following factors in mitigation:-
  - Early guilty plea
  - First time offender and cooperation with the police;
  - Remorse shown.
9. For the early guilty plea he is entitled to a one third discount which reduces the sentence to 2 years and 6 months imprisonment. As a first time offender and for cooperating with the Police, I deduct 6 months reducing the sentence to 2 years imprisonment. No deduction is made for the apology or remorse as it was not made



directly to the victim and no custom reconciliation has been made with the victim. Six months is further deducted to reflect time spent remanded in custody.

10. The end sentence is therefore 1 year and 6 months imprisonment which is suspended for a period of 2 years. In addition the defendant will undertake 100 hours community work.

11. He has 14 days to appeal if he is not happy with the decision.

**DATED at Port Vila this 4<sup>th</sup> day of October, 2018**

**BY THE COURT**



.....  
**Dudley Aru**  
**Judge**

