

PUBLIC PROSECUTOR

V

PASCAL RITE

RITE PASCAL

RAY WAR RITE

LEO PAUL NEVU

Date of Sentence: 23rd day of July, 2020 at 2:00 PM

Before: Justice GA Andrée Wiltens

In Attendance: Public Prosecutor - Damien Boe

Defendant - Junior Garae

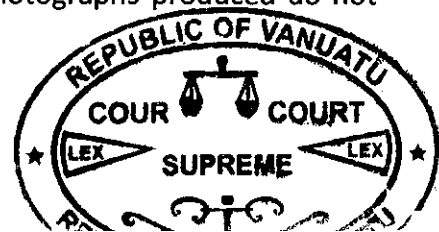
SENTENCE

A. Introduction

1. The defendants all pleaded to a charge of unlawful assembly. The maximum sentence for that offence is 3 years imprisonment.
2. Additionally, Mr Nevu pleaded guilty to a charge of arson. The maximum sentence for that offence is 10 years imprisonment.

B. Facts

3. In 2012-3, the defendants assembled at Port Olry and decided to set fire to a building/house belonging to the complainant. There was a dispute between the defendants and their brother-in-law, the complainant's husband. Mr Nevu actually set fire to the building.
4. The complainants allege the building was a shelter used for sleeping. The defendants say it was a mainly unused and run-down shelter by a swimming hole, mainly used as a cooking facility. The photographs produced do not assist in clarifying which version is correct.



C. Sentence Start Point

5. This is not a matter that requires a sentence of imprisonment.
6. This is really an inter-family squabble where the defendants took matters into their own hands rather than lawfully. It is not serious criminal offending.

D. Personal Factors

7. At the time the defendants were relatively young men, aged 29, 21, 22 and 26. None have previous convictions – and for the past 7-8 years all have remained offence free. They have all pleaded guilty, although late in the piece.
8. The arson is the more serious charge. I accept the building was not a used dwelling house. It may well have ben dilapidated.
9. This offending occurred a long time ago. There is no real differentiation between the defendants.

E. End Sentence

10. The defendants are each sentenced to do community service. Pascal Rite, Nlal Rite and Raywar Rite are each to serve 100 hours. Leopaul Nevu is to serve 200 hours community service.
11. All the defendants have 14 days to appeal the sentence if they disagree with it.

DATED at Luganville this 23rd day of July, 2020

BY THE COURT

Andrée Wiltens
Justice GA Andrée Wiltens

