

**PUBLIC PROSECUTOR**

**v**

**MICKY PAUL SOULNY**

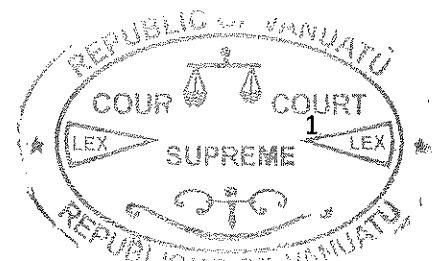
*Date:* 31 January 2024  
*Before:* Justice V.M. Trief  
*Counsel:* Public Prosecutor – Mr J. Aru  
Defendant – Mr R. Tevi

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**SENTENCE**

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1. Mr Soulny pleaded guilty to arson contrary to subs. 134(1) of the *Penal Code* [CAP. 135]. He is convicted on his plea and the admitted facts.
2. On 30 July 2020 at Antawak village, North West Malekula, Mr Soulny set fire to Harry Nimalia's house by lighting coconut leaves with a match and setting the house on fire. He knew that the house belonged to Mr Nimalia. The house burnt down as well as Mr Nimalia's belongings inside the house.
3. The maximum penalty for this offence is 10 years imprisonment.
4. The scale of the property loss to the complainant is an aggravating factor of the offending (his house in which he stored his belongings), the offending was unprovoked, there was a degree of premeditation and planning, and the defendant ran away when the complainant's house was on fire.
5. A mitigating factor is that the house was unoccupied at the time.
6. I adopt a sentence start point of 3 years imprisonment as appropriate for this offending and for Mr Soulny's criminal culpability.



7. Given the strength of the Prosecution case, I reduce the sentence start point by 25% for Mr Soulny's guilty plea.
8. Mr Soulny is 34 years old and resides at Bekeier village, North West Malekula. He is in a *de facto* relationship and has 3 children. He is a Year 10 leaver. He supports his family through gardening, market and kava sales, and operating his chainsaw. He also takes care of his elderly parents, and travels regularly to Santo with his father for medical treatment. He is the chairperson of their church committee.
9. He has no previous convictions. He has performed a custom reconciliation ceremony with the complainant involving VT160,000 cash as compensation, which was accepted, and a VT1,000 fine to the chief and the community. Mr Soulny is remorseful. He has the support of his family and community. I deduct a further 25% for Mr Soulny's personal factors.
10. The end sentence imposed is 1 year 6 months imprisonment. This sentence is to denounce such criminal conduct, to deter Mr Soulny and others from such offending, to protect the community and to hold Mr Soulny accountable for his offending.
11. The Court has a discretion under s. 57 of the *Penal Code* to suspend all or part of the sentence where it is not appropriate to make an offender suffer immediate imprisonment "... (i) in view of the circumstances; and (ii) in particular the nature of the crime; and (iii) the character of the offender."
12. The seriousness of the offending counts against suspension of the sentence. However, in view of Mr Soulny's family and community support, his payment of compensation to the complainant, his prior clean record and prospects for rehabilitation, I consider that it is not appropriate to make Mr Soulny suffer immediate imprisonment. Accordingly, the sentence is suspended for 2 years on the condition that Mr Soulny commits no further offence within that period.
13. In addition, Mr Soulny is sentenced to complete 60 hours of community work.
14. Mr Soulny has 14 days to appeal the sentence.

**DATED at Luganville this 31<sup>st</sup> day of January 2024  
BY THE COURT**

*VM Trief*  
Justice Viran Molisa Trief

