

IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(Criminal Jurisdiction)

Criminal
Case No. 21/765 SC/CRML

BETWEEN: Public Prosecutor

AND: Ronnie Ninisia

Date: 22nd April 2021
By: Justice G.A. Andrée Wiltens
Counsel: Mr D Boe for the Public Prosecutor
Mr R Willie for the Defendant

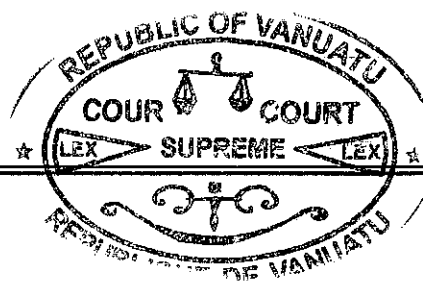
SENTENCE

A. Introduction

1. Mr Ninisia pleaded guilty to arson. Although the charge referred to the burning down of 4 houses, Mr Ninisia agreed that he had burned down only 3 houses. The prosecution was content to amend the summary of facts to reflect that lower culpability. Mr Ninisia is to be sentenced on that basis.

B. Facts

2. On 28 December 2020 Mr Ninisia set fire to a sleeping house and two other houses used for domestic and business purposes in the Nasulesule area of Santo, all belonging to his father.
3. The first building was made with roofing iron and was used for timber storage. There were between 800-1000 pieces of timber of varying size stored inside the building, which was about 7x6 metres in size.
4. The second building was a sleeping tent beneath an open-walled structure. It was 2x2 metres in size.
5. The third building was also an open-walled structure, with a roof of natangura and blue tarpaulin..
6. When interviewed, Mr Ninisia admitted his offending.



C. Sentence Start Point

7. The sentence start point is assessed by having regard to the maximum penalty available for this offence and factoring in the mitigating and aggravating aspects of the offending.
8. The maximum sentence for arson is 10 years imprisonment.
9. There are no mitigating aspects to this offending. In respect of aggravating circumstances, the number of buildings destroyed and their value are aggravating
10. I set the sentence start point at 3 years imprisonment.

D. Mitigation

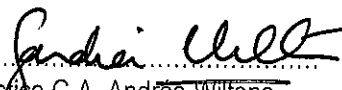
11. Mr Ninisia pleaded guilty at the first available opportunity. However the evidence against him was strong. Accordingly for his prompt plea he is afforded a discount of 25% from the sentence start point.
12. Mr Ninisia is 32 years of age, living with his defacto partner and their 2 children.
13. Mr Ninisia has no previous convictions, and has performed a custom reconciliation ceremony. He has already served 44 days in custody.
14. In explanation for the offending Mr Ninisia blames his quick temper following an accusation by his father regarding the cultivation of cannabis. I do not see that as in any way being mitigation. I note Mr Ninisia has offered to compensate his father by rebuilding and at his own cost replenishing his father's supply of cut timber. That shows remorse.
15. For his personal factors I further reduce the sentence start point by 6 months.

E. End Sentence

16. The end sentence I impose is 21 months imprisonment. I am prepared to suspend his sentence for 2 years. I do so as Mr Ninisia has already spent time in custody, pleaded guilty promptly and made an offer to compensate his father.
17. Mr Ninisia needs to remain offence-free for 2 years to avoid incarceration in respect of this case.
18. Mr Ninisia has 14 days to appeal the sentence if he disagrees with it.

Dated at Luganville, this 21st day of April 2021

BY THE COURT


Justice G.A. Andree Wiltens

