

PUBLIC PROSECUTOR

v

OBED SIMEON

Date: 24 May 2021
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Ms M. Taiki
Defendant – Mr J. Garae

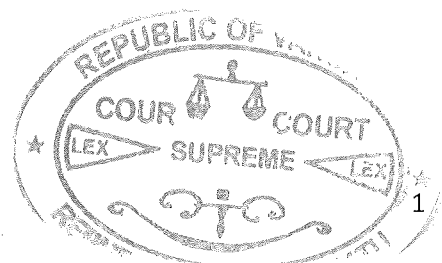
SENTENCE

A. Introduction

1. The Defendant Obed Simeon pleaded guilty to 2 charges of arson and not guilty to 2 charges of domestic violence. The Prosecution then entered *nolle prosequi* on the domestic violence charges. I discharged Mr Simeon in relation to those charges. I convict Mr Simeon of the arson charges on his pleas and the admitted facts.

B. Facts

2. One early morning in 2016 at Lorethiakarakar village on Santo, Mr Simeon's sister Lina Lu heard Mr Simeon shouting words to the effect that if she did not come outside, he would burn her down with her house. She went outside and saw Mr Simeon pouring benzene on the natangura (woven thatch) roofing of her kitchen. Mr Simeon then set the natangura roofing alight and left.
3. On 29 September 2020, Mr Simeon's mother Rachel Dennis and sister Chrissy Lu were walking home from their garden when they saw smoke coming from the direction of their home. Chrissy reached the house first and saw that her clothes were burning. Mr Simeon had removed clothes from the washing line and piled them up in front of their house with a suitcase belonging to Dennis then set fire to them.
4. Mr Simeon made full admissions to the Police.

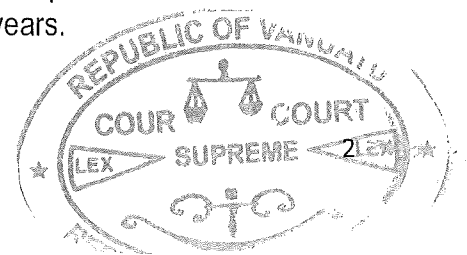


C. Sentence Start Point and Personal Factors

5. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.
6. The maximum sentence provided in subs. 134(1) of the *Penal Code* [CAP. 135] is 10 years imprisonment.
7. The offending is aggravated by the following matters:
 - (i) The loss of property caused to Lina Lu, Chrissy Lu and Rachel Dennis; and
 - (ii) Breach of trust.
8. It is mitigating that Mr Simeon ensured that there was no one inside the kitchen or at home when he started the fires. It is also mitigating that only the roof of the kitchen was damaged, and clothes and a suitcase.
9. Taking the above factors into account, I set the sentence start point for Mr Simeon's offending at 2 years imprisonment.
10. Given the strength of the Prosecution case, I reduce the sentence by 25% for Mr Simeon's early guilty plea.
11. Mr Simeon is 24 years old and single. He has no previous convictions. His education finished at grade 2. He sustains himself from gardening and copra sales. He is stated to have expressed a verbal apology to the victims but has not performed a custom reconciliation ceremony. The pre-sentence report writer stated that Mr Sandy said that he replaced Rachel's natangura leaves and gave her VT10,000 for a new suitcase but this could not be confirmed with the victims. He has the support of his family and works with the community chief. I deduct 2 months for Mr Simeon's personal factors.
12. Mr Simeon stated to the pre-sentence report that he offended due to being angry with his sisters for having children out of wedlock and burdening their widowed mother. That of course does not justify Mr Simeon's criminal conduct.

D. End Sentence

13. Mr Simeon is sentenced to 16 months imprisonment on both charges, to be served concurrently. This sentence is imposed to deter Mr Simeon and others from such offending, to protect the community, to denounce such criminal conduct and to hold Mr Simeon accountable for his offending.
14. In view of Mr Simeon's family support and his relative youth and lack of previous convictions therefore having prospects for rehabilitation, I consider that it is not appropriate to make Mr Simeon suffer immediate imprisonment. The sentence is suspended on the condition that Mr Simeon commits no further offence within the next 2 years.



15. In addition, Mr Simeon is sentenced to complete 100 hours of community work and ordered to complete 12 months of supervision, including attending any anger management and rehabilitation programs required of him by the Department of Correctional Services.
16. Mr Simeon has 14 days to appeal the sentence.

DATED at Luganville this 24th day of May 2021
BY THE COURT

VM Trief

Viran Molisa Trief
Judge

