

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

**Criminal  
Case No. 17/3092 SC/CRML**

**PUBLIC PROSECUTOR**

**V**

**JEAN PIERRE MAQUEKOKOR**

***Date of Sentence: 23<sup>rd</sup> day of May, 2018***

***Before: David Chetwynd***

***Counsel: Phillip Toaliu for Public Prosecutor  
Henzler Vira for Defendant***

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**SENTENCE**

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1. The defendant Jean Pierre Maguekorkor has entered Pleas of guilty to charges of malicious damage and arson. The offences took place in January and February 2017. The facts are not much in dispute; the defendant asked his parents for money and when he was told none was available he had a tantrum just like a small child. In January he damaged property belonging to his parents. The property consisted of perfumes, crockery and a mirror. A month later in February 2017 he again asked for some money and when he was told he could not have 5000 vatu he set light to three mattresses.

2. There was no reason for him to have caused this damage other than pure spite. This was extremely juvenile behaviour for a 19 year old young man. There must be a suspicion that his behaviour has an underlying psychological origin but during his stay on remand he has received assistance from the Mind Team from Central Hospital and they were unable to detect any mental illness or psychosis which would account for what he did.

3. The offence of arson can have very serious consequences and that is the reason why the maximum penalty is 10 years imprisonment. Fortunately there were no such serious consequences for this defendant and there are no other aggravating factors to his offending.

4. Jean Pierre Mac is now 20 years old and has not been in trouble with the authorities before. He should be treated as someone of good character. There was a third charge which he faced but he did not accept that he had made threats to harm

his sister and his mother. He is not being sentenced for that offence. The prosecution accepted that a conviction for threats to kill would not dramatically affect the sentence at the end of the day. They took a pragmatic approach and nolle'd the charge. So far as the charge of arson is concerned, the defendant did enter a plea of guilty early on in the case. He is entitled to credit for that early plea.

5. The defendant has also spent some time in custody. He has been held on remand for just over to seven months. This would equate to an end sentence of some 14 months.

6. The nature and extent of the defendants of offending calls for a custodial sentence. However, as the defendant has spent some time in custody already and now knows what awaits him if his offending continues. He will not be sent to prison today. In all the circumstances of the case an alternative to prison would be appropriate. The defendant will be sentenced to 100 hours community work and will be under the supervision of a Probation Officer for 12 months. The sentence for each offence shall be served concurrently.

7. The practical effect of this is that the defendant is to be released from custody immediately. He is very fortunate because his parents were in court and they indicated they would be prepared to have him back in the family. I am hoping that with the support of his family and particularly with the guidance from the Probation Officer he will be able to repair the damage that he has caused to the family even if he cannot repair the damage to the family's property.

**DATED at Port Vila this 23<sup>rd</sup> day of May, 2018.**

**BY THE COURT**

