

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

**Criminal**  
**Case No. 23/2208 SC/CRML**

**PUBLIC PROSECUTOR**

**v**

**JOHNNY PEREI**

*Date:* 4 September 2023  
*Before:* Justice V.M. Trief  
*Counsel:* Public Prosecutor – Mr G. Simeon  
Defendant – Mr J. Garae

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**SENTENCE**

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1. Mr Perei pleaded guilty to arson contrary to subs. 134(1) of the *Penal Code* [CAP. 135].
2. At 5am on 13 August 2021 at Nasulun village, South Santo, Mr Perei took 20 litres of benzene and went to the complainant Paul Sumare's house. He called out two times but no one responded and seeing that the complainant was not there, Mr Perei proceeded to pour the benzene of some thatch leaves and set fire to Mr Sumare's house. He then left. The house was severely damaged by the fire.
3. Mr Perei made full admissions to the Police.
4. The maximum penalty for this offence is 10 years imprisonment.
5. The scale of the property loss to the complainant is an aggravating factor of the offending (main house that stored all their belongings), the offending was unprovoked, there was a degree of premeditation and planning, breach of trust and the defendant ran away when the complainant's house was on fire.
6. It is mitigating that Mr Perei ensured that there was no one inside the house when he started the fire.
7. I adopt a sentence start point of 3 years imprisonment as appropriate for this offending and for Mr Perei's criminal culpability.



8. Given the strength of the Prosecution case, I reduce the sentence by 25% for Mr Perei's early guilty plea.
9. Mr Perei is 30 years old. He is in a *de facto* relationship and has 2 children. He completed secondary school then commenced tertiary studies in Tonga. He returned to Vanuatu in 2018. In 2022, he commenced employment as a driver with Tangis Limited. He has no previous convictions. He spent 24 hours in custody prior to sentencing.
10. Mr Perei performed a custom reconciliation ceremony with the complainant involving VT50,000 cash and two roosters before the complainant travelled back to his home island of Epi. This was accepted. I deduct a further 15% for Mr Perei's personal factors.
11. The end sentence imposed is 1 year 10 months imprisonment. This sentence is to deter Mr Perei and others from such offending, to denounce such criminal conduct, to protect the community and to hold Mr Perei accountable for his offending.
12. 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."
13. The seriousness of the offending counts against suspension of sentence. However, in view of Mr Perei's family and community support, his employment, his prior clean record and prospects for rehabilitation, I consider that it is not appropriate to make Mr Perei suffer immediate imprisonment. The sentence is suspended on the condition that Mr Perei commits no further offence within the next 2 years.
14. In addition, Mr Perei 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.
15. Mr Perei has 14 days to appeal the sentence.

**DATED at Port Vila this 4<sup>th</sup> day of September 2023  
BY THE COURT**

*VM Trief*  
Justice Viran Molisa Trief

