

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

**Criminal**  
**Case No. 20/1908 SC/CRML**

**PUBLIC PROSECUTOR**

**V**

**BRINO JOE  
TAVUI JUN JOE**

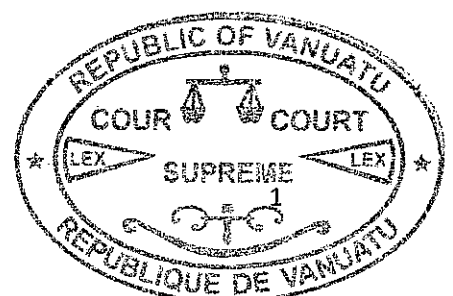
*Date:* 30 April 2025  
*Before:* Justice V.M. Trief  
*Counsel:* Public Prosecutor – Ms J. Tete  
Defendant – Ms B. Taleo

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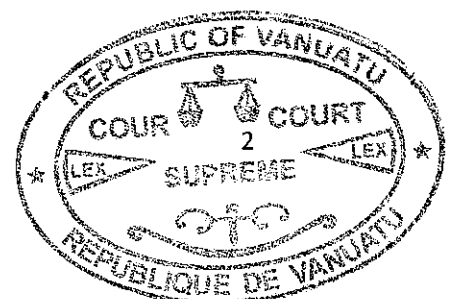
**SENTENCE**

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1. Mr Brino Joe and Mr Tavui Jun Joe, you appear for sentence today having pleaded found guilty to unlawful assembly contrary to s. 69 of the *Penal Code* [CAP. 135] (Count 1) and to arson contrary to s. 134 of the *Penal Code* (Count 2).
2. On 16 July 2018, the two of you and two others assembled in a football field and planned to go and burn down Livo Levu's house at Marua area at South Santo (Count 1). You then went to Mr Levu's house and set fire to it. The house as used for human habitation and made of local material. It was reduced to ashes. The following items were also damaged by the fire: 3 mattresses, 1 Macocotte pot, 1 kapa pot, sleeping bag, 18 plates, 1 axe, 1 hammer, 16 spoons, 12 blankets, 4 knives, 1 yam spade, 1 hoe, 1 solar light (10 watt), 1 solar battery, 7 dishes, 10 mosquito nets, plenty of clothes, 1 clock, 2 solar lights, 3 baskets and 5 heads of kava (Count 2).
3. In your caution interviews, you admitted your offending to the Police.

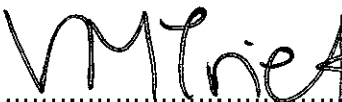


4. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.
5. The maximum sentence for arson is 5 years imprisonment (s. 134, *Penal Code*) and for unlawful assembly is 3 years imprisonment (s. 69, *Penal Code*).
6. There are no mitigating factors of the offending but it is aggravated by the substantial value of the damage caused and the effects on the victim.
7. The factors set out above require a global sentence start point of 3 years imprisonment.
8. You both pleaded guilty at the first reasonable opportunity therefore twenty-five percent (9 months) is deducted from the sentence start point for your guilty pleas.
9. Mr Brino Joe, you were 18 years old at the time of the offending. You have no prior convictions. You have a good relationship with your family and community leaders but not with the victim's family due to a land dispute. You are stated to be remorseful although that has not been demonstrated by your repeated failure to attend Court since pleading guilty on 15 September 2020, up till this year. However, on 30 March 2025, you and Mr Tavui Jun Joe performed a custom reconciliation with the complainant Mr Levu and paid custom compensation to him of VT200,000 cash, 2 bunia (baked food) and 1 bucket kava. Mr Levu accepted the compensation payment. Thirty-five percent (12 and a half months) is deducted from the sentence start point for your personal factors, including your youth and immaturity.
10. Taking these matters into account, the end sentences imposed for Mr Brino Joe are 1 year 2 and a half months imprisonment (Count 2) and 12 months imprisonment (Count 1). The sentences are to run concurrently.
11. Mr Tavui Jun Joe, you were 25 years old at the time of the offending. You are a subsistence farmer. You have no prior convictions. You are stated to be remorseful although that has not been demonstrated by your repeated failure to attend Court since pleading guilty on 15 September 2020, up till this year. However, on 30 March 2025, you and Mr Brino Joe performed a custom reconciliation with the complainant Mr Levu and paid custom compensation to him of VT200,000 cash, 2 bunia (baked food) and 1 bucket kava. Mr Levu accepted the compensation payment. Eight months are deducted from the sentence start point for your personal factors.
12. Taking these matters into account, the end sentences imposed for Mr Tavui Jun Joe are 1 year 7 months imprisonment (Count 2) and 12 months imprisonment (Count 1). The sentences are to run concurrently.



13. The sentences are to denounce such criminal conduct, to deter you and others from such offending, to protect the community and to hold you accountable for your offending.
14. 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."
15. The seriousness of the offending counts against suspension of the sentences. However, in view of your family and community support, your custom compensation payment to the complainant, your prior clean record and prospects for rehabilitation, I consider that it is not appropriate to make you suffer immediate imprisonment. Accordingly, Mr Brino Joe and Mr Tavui Jun Joe, your end sentences are suspended for 2 years on the condition that you do not commit any further offence within that period.
16. In addition, you are both to complete 60 hours of community work within the next 12 months.
17. You have 14 days to appeal the sentence.

**DATED at Port Vila this 30<sup>th</sup> day of April, 2025  
BY THE COURT**

  
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Justice Viran Molisa Trief

