

BETWEEN: Public Prosecutor

**AND: Joseph Katenga
Kasi Pierre
Defendants**

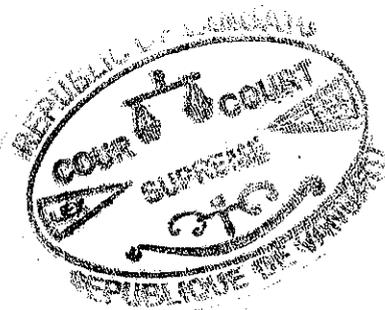
Date of Plea: 10th March 2026
Date of Sentence: 13th March 2026
Before: Hon. Oliver A Saksak
Counsel: Mr Lenry Young for Public Prosecutor
Mr Harrison Rantes for the Accused

SENTENCE

1. Joseph Katenga pleaded guilty to two counts of intentional assault (section 107 (a) and (b), Penal Code Act) and one count of arson (section 134 (1) – Penal Code Act). Kasi Pierre pleaded guilty to one count of intentional assault (section 107 (b) as a co-offender with Joseph Katenga (Count 1) and also to the charge of arson (section 134 (1) in Count 3. Both defendants are for sentence today.
2. The offendings occurred in the morning of 17th May 2025 at Imalit Village. The complainants are Robin John Muliaki and his wife Annie Muliaki. The defendants had approached the complainant's house and called out to them. When they opened the door they saw the defendants standing outside. Mr Muliaki went to speak with the defendants and subsequently Kasi Pierre assaulted his elbow with a branch of namariu tree. Then both defendants assaulted Mr Muliaki again and he fell to the ground.
3. Mr Muliaki's wife saw what happened and ran to help her husband. However Joseph Katenga took the namariu branch and hit Mrs Muliaki with it.
4. Joseph Katenga then picked up four dried coconut fruits and hit Mr Muliaki's head with them. He also used a spade in the assault causing some minor injuries of a temporary nature. The defendants then set fires to the complainant's houses consisting of three sleeping houses and one kitchen. All the properties of the complainant's were destroyed by the fires.
5. These facts were related to the defendants after they had entered guilty pleas and both defendants accepted them. The defendants have not given any explanations for their behaviour and offendings. Therefore there are no mitigating circumstances.
6. The offence of intentional assault under section 107 (a) where no injury is involved carries the maximum sentence of 1 year imprisonment. And where damage done is of a temporary nature,



- the maximum penalty is 5 years imprisonment. However setting fire to a dwelling house under section 134 (1) of the Act carries the maximum penalty of 20 years imprisonment.
7. In assessing sentence I have considered the submissions and case authorities submitted by both Mr Young and Mr Rantes. I consider that only Worahese v PP [2010] VUCA 11 is relevant and applicable. The Supreme Court cases of PP v Natuman [2014], PP v Rara [2015], PP v Tarip [2025] and PP v Peau[2024] differ on their facts and circumstances and not binding authorities.
 8. In this case I treat the arson charge as the lead offence.
 9. The aggravating features that add seriousness to the offendings are that there was a degree of planning involved. Further the offendings were committed as a joint enterprise by both defendants. A branch of a strong tree was used during the assault together with dried coconut fruits applied to the head and elbow of Mr Mullaki causing injuries and pain. Then there was the assault on Mrs Muliaki who was a vulnerable victim who did not deserve any assault. And finally the loss of the houses of this family including their personal belongings and the emotional impact on the victim's lives.
 10. I note an additional factor concerning the defendant Joseph Katenga that he has a previous criminal conviction.
 11. Taking all these factors together with the penalties of the offences, it is my view that sentences of imprisonment are appropriate to act as a deterrent to the defendants and to likeminded persons.
 12. I therefore sentence the two defendants as follows:-
 - a) Joseph Katenga:
 - i) For Arson (as the lead offence) I adopt the start sentence of 6 years imprisonment.
 - ii) For intentional assault – Count 1- 2 years imprisonment concurrent to 6 years imprisonment for the arson charge.
 - iii) For intentional assault – Count 2- 6 months imprisonment concurrent.His total concurrent sentence shall be 6 years imprisonment.
 - b) Kasi Pierre
 - i) For Intentional assault – Count 1- 2 years imprisonment.
 - ii) For arson- as the lead offence- Count 3 – 6 years imprisonment.These sentences are to be served concurrently.
 13. In mitigation I reduce Kasi Pierre's sentence in the following manner:-
 - a) For guilty plea -Full one third reduction by 2 years
 - b) For his personal factors with the victims I allow a further reduction of 1 year, leaving the balance of his sentence to be 3 years imprisonment. This sentence will not be suspended.
 14. For Joseph Katenga I reduce your sentence as follows:
 - a) For guilty plea, I allow a reduction of 12 months.



- b) For personal factors including custom reconciliation, I allow a further reduction of 1 year leaving the balance and end sentence to be 4 years.
15. Joseph Katenga was released on parole on 29th January 2026 after serving 6 months of his 1 year sentence. The balance of his sentence of 6 months is now activated to be added to the current sentence of 4 years increasing it to 4 years and 6 months imprisonment in total.
16. This sentence will not be suspended. Both sentences are to commence with immediate effect as from the date of this sentence.
17. Both defendant have a right of appeal against their sentences within 14 days, if they do not agree with it.

DATED at Isangel, Tanna this 13th day of March 2026

BY THE COURT


Hon. Justice Oliver A Saksak

