

ALICK KAIETI-v-REGINA

HIGH COURT OF SOLOMON ISLANDS
(Mwanosalua, J.)

Criminal Case No. 475 of 2006

Hearing: 13th December 2006

Ruling: 13th December 2006

Ms. Brown for the Applicant

Ms. Kleinig for the Respondent

RULING

Mwanosalua, J: Alick Kaieti is the Applicant in this case. He applies to this court to be admitted to bail pending the determination of his appeal. His previous bail application was refused by the Magistrate Court.

The Applicant was charged, convicted and sentenced before the Magistrate Court in Honiara on 30 August and 10 November 2006 for the following offences –

1. **Criminal trespass – 9 months imprisonment**
2. **Malicious damage – 12 months imprisonment**
3. **Assault occasioning actual bodily harm – 17 months imprisonment**
4. **Arson – 4 years imprisonment**
5. **Criminal trespass – 3 years imprisonment**
6. **Common assault - \$100.00 fine**
7. **Malicious damage – 6 months imprisonment**
8. **Malicious damage – 6 months imprisonment**

All the imprisonment sentences imposed on the Applicant were ordered to be served concurrently as from 30 August 2006. The effect of this order is that the Applicant will only serve a sentence of 4 years in prison.

I heard the submissions made on behalf of the Applicant. But I see that he was sentenced for one of the most serious offences in the *Penal Code (Cap. 26)*. That offence is arson, under *Section 319(a) of the Penal Code*, which carries a maximum penalty of life imprisonment. He was sentenced to serve 4 years imprisonment for this offence. The offences on which the Applicant was sentenced were committed during the new year's day in 2000.

He committed the offences when he was a Special Constable in the Solomon Islands Police Force. He is serving a 4 years sentence in prison. There is no risk that he would serve that sentence before his appeal is heard. This appeal can be listed for hearing soon after the legal year begins in January 2007. This bail application is refused. I order accordingly.

Francis Mwanosalua
Puisne Judge