

**IN THE CENTRAL MAGISTRATE'S COURT
OF SOLOMON ISLANDS AT HONIARA**

CRIMINAL JURISDICTION

Criminal Case No. 536 of 2017

REGINA

V

CHARLES SOLOMON HABATIA



Dates of trial: May 16, 24, 28, and July 11, 2018
Date of judgment: July 19, 2018

Ms. F. Fakari'i for the prosecution
Mr. B. Alasia for the defence

JUDGMENT

1. The defendant, Charles Solomon Habatia, is a member of the Royal Solomon Islands Police. He was charged and tried for one count of conversion, contrary to section 278 (1) (c)(i) of the *Penal Code*. In 2016, he held a title of a Police Superintendent and was the Operation Manager for Honiara city. By virtue of his position, he was responsible for the formulation, coordination and management of police operations of various departments or units in the Honiara city.
2. Before June 2016, he applied for a Solomon Islands government money in a form of special imprest of \$24,000 from the Ministry of Finance and Treasury. The application was approved and the money was raised and paid to the defendant. It was purposely to fund police operations within the Honiara city.

Prosecution case

3. It is alleged by the prosecution that he did not use the whole of the \$24,000 for the police operations. Instead, he fraudulently converted and used part of it for his own benefit. This occurred between 3rd of June to 31st of August 2016.

4. He retired the money in a spreadsheet and attached a number of receipts obtained from individuals and business entities. In the imprest retirement, he outlined certain transactions for various police operations under different departments like; the Liquor Unit, Criminal Response Unit and Naha Police. However, the Heads of these departments were not aware of such engagement or transactions. Those receipts in the prosecution's case were false. They were produced by the defendant to deceive the Solomon Islands government in the retirement of the money.

Defence case

5. The defendant denies the fraudulent conversion of the money. He remained silent and called no evidence for his case. He ardently emphasized in his closing submission that he did not receive the money at all and further denied any wrong doing on his part. He argued that there was no evidence to prove the allegation and therefore, he should be acquitted.

Brief facts of the case

6. The defendant, Charles Solomon Habatia, comes from Vuranimala in the Central Islands Province. He is a police officer by profession. In 2016, he held a title of Police Superintendent and was the Operation Manager for Honiara city. It remains an undisputed fact that his job was to formulate, coordinate and manage police operations of various units or departments within the jurisdiction of Honiara.
7. Before June 2016, he applied to the Ministry of Finance and Treasury for a special imprest money of \$24, 000. The application was approved and the money was raised and paid to the defendant. It was purposely to fund police operations within the Honiara city.
8. Two spreadsheets were created to show how the money was spent on police operations. One was created and signed by the defendant while the other was co-signed by A. Saeni. Those spreadsheets showed transactions of certain activities or police operations under various police departments like; the Liquor Unit, Criminal Response Unit and Naha Police. According to the defendant, he had expended the money on operations for these departments but these were denied by the Heads of those departments or units.
9. The defendant collected receipts from individuals and business entities to attest the payments he purportedly made on the police operations outlined in the imprest breakdown. Those receipts were for vehicle hires, mobile top

ups and fuels for various police operations conducted between 1/06/2016 to 1/7/2016.

10. The prosecution alleged that those receipts were false and were deliberately produced by the defendant to deceive the Solomon Islands government, in particular, the special imprest retirement section of the Ministry of Finance and Treasury. In the prosecution's view, he did not use the entire \$24,000 for the intended police operations but converted part of it for his own benefit.

The charge and elements of the offence

11. Section 278 (1) (c)(i) of the *Penal Code* states:

"278.-(1) Any person who-
(c) (i) being entrusted either solely or jointly with any other person with any property in order that he may retain in safe custody or apply, pay or deliver, for any purpose or to any person, the property or any part thereof, fraudulently converts to his own use or benefit, or the use or benefit of any other person, the property or any part thereof or any proceeds thereof; or

[ii].....

is guilty of a misdemeanour, and shall be liable to imprisonment for seven years."

12. Relevant to the allegation, the following are the elements the prosecution must prove beyond reasonable doubt:

- (i) any person, (the defendant, Charles Solomon Habatia)
- (ii) being entrusted solely with property, (\$24,000)
- (iii) in order that he may apply for any purpose, (Honiara city police operations)
- (iv) that he fraudulently converts to his own benefit, and
- (v) part of the property thereof.

Elements not in dispute

13. Elements (i) to (iii) are not in dispute. There is no dispute as well that money is defined as a 'property' under section 4 of the *Penal Code*. Further, there is also no dispute that \$24,000 was the special imprest money the defendant received and being the property subject to this trial. Also, the money was the property of Solomon Islands government in the form of a special imprest.

14. The defendant's spreadsheet¹ and his own admission in a letter dated 31/08/2016² jointly confirm he received and used the imprest money in the following terms:

"This note was made to seek explanation on the spending of the imprest collected for Honiara City Operations.

According to the spreadsheet on the breakdown made, the money was purposely to cater for 1. B Mobile Top-Ups which is \$4,000, CID/CRU Investigations which is \$10,000 and Miscellaneous to cover additional either on fuel and Hire during Operations.

Anyway, according to the Honiara City Operations point of view the operation was conducted in all different types of dimensions as you have aware of that Honiara City has its operations in all kinds in making sure that we meet our expectations as required by the Commissioner of Police and his executives.

Finally, we would like to register our sincere thanks to the Chief Financial Officer who has facilitated in recognizing the need of Honiara City which looks after our livelihood that carries all operational needs in all kinds of cases that occurred within our Honiara City as a whole.

The whole breakdown of the Imprest is been made out on my spreadsheet provided that explained the whole spending of the Imprest obtained and I'm sending yours for your final recommendation.

*Charles S Habatia
Operation Manager Honiara City³*

15. Based on these admissions and representations in the letter and combined with all the receipts⁴ he obtained and attached to the spreadsheets, I am satisfied that he had received and used the \$24,000 from the Ministry of Finance and Treasury.

Elements in dispute

¹ Exhibit P5

² Exhibit P6

³ I bid.

⁴ P7 – P26

16. The elements that are disputed in my view are; the act of fraudulent conversion and the part of the \$24,000 allegedly converted by the defendant to his own benefit.⁵

Summary of the evidence

17. The first witness for the prosecution is John Maelalia. In 2016, he was the Crime Investigating Officer (CIO) of Naha Police Station. He held that responsibility even during the period 3rd of June to 31st of August 2016. He said that Honiara city was zoned according to locations of Honiara police stations. Naha Police Station was in east of Honiara and hence, it would be responsible for any criminal incident that occurred in the east part or east zone of the Honiara city.
18. He recalled that there was a murder incident at King George (KG) market in 2016. Since it occurred in east Honiara, Naha Police was involved in the investigations of that case. He was the investigating officer himself in that matter.
19. There was no vehicle hired to assist in the investigation because Naha Police already has its own police vehicle. He further stated that the location of that incident was convenient and the nature of the investigation was not complicated to require any assistance from other police stations in Honiara. When shown exhibit P5 item 7 of the imprest breakdown that the defendant had recorded he used \$1,400 for hiring of 2 vehicles for an undercover operation for arresting of the KG murder suspect, he was very surprised and had absolutely no idea of this undercover operation. He said he was the manager of this KG murder operation and therefore, he would have known of any undercover operation or vehicle hire done by the defendant.
20. He agreed that the defendant was the Operation Manager for police operations in Honiara city but explained that the defendant's involvement in police operations depends very much on the type of operation formulated. That was because they also had an Operation Manager at Naha Police Station. He agreed that the suspect for the KG murder was arrested by an officer from the Honiara City Council (HCC) and that was made possible through communication he had with that HCC officer.
21. Jimson Robo is another witness called by the prosecution. He was the Provincial Crime Investigation Officer (PCIO) responsible for supervising the investigations in Honiara city. In 2016, he still held that responsibility.

⁵ Elements (iv) and (v)

He recalled in June 2016, he only received \$700 from the defendant to pay food for the on-duty police officers at the Central Police Station but not \$1,400 as recorded by the defendant in the imprest breakdown. He explained that he did not provide any receipt because he did not know it was an imprest money and was not told to do so.

22. In cross examination, he said that the defendant was one of his bosses or superiors and any investigations would be communicated through him if directed by his superiors. For example, in caveat or even undercover operations, he would be informed of such operations and he could not recall of any instance where his superiors would carry out investigations themselves without his knowledge.
23. William Foufaka's evidence revealed that in 2016, he was the team leader of the Central Response Unit (CRU). He was shown exhibit P5 item 4 (regarding \$500 mobile top up for OIC/CRU team leaders for Maenu case on 6/6/2016) and exhibit P11 (being the receipt from Technology Plus for that mobile top up) but he denied that. He said he was the one in charge of that operation and he did not request any top up from the defendant. He explained that it was in court his first time to see the information provided by the defendant regarding mobile top ups for his CRU team in the spreadsheet. He only recalled that he was given 3 mobile top ups in \$50 card units from his colleague Vincent Upwe but not the defendant.
24. This evidence remained uncontradicted, intact and was maintained during the course of the defence cross examination. There were series of peripheral questions attacking his hours of duty and there might be a possibility that the mobile top up was received by any of his team members. He responded that he had no idea of that and if there was any, he would be informed of such mobile top up from his team members.
25. The fourth witness called by the prosecution was Allan Supa. In 2016, he was the Head or the in-charge of the Liquor Unit. There were 3 officers under his supervision in the Liquor team, all were probationers. Any operation that involves the Liquor Unit would always come through him.
26. He recalled conducting a liquor operation in June 2016. He used Michael Kemadika's vehicle for that operation. He was given \$100 on two separate occasions from the defendant to fuel the vehicle. He obtained two receipts from Quan Chee and Solomon Motors fuel stations and handed them to the defendant. One operation was mounted during the day while the other during the night.

27. He was shown exhibit P5 and was referred to all the transactions entered by the defendant in the imprest breakdown that made reference to the spending of the money on undercover liquor operations, B-mobile top ups and vehicle hire for his unit. He had no idea of those operations named by the defendant. This same explanation also goes to the receipts in exhibit P8 and P10, produced by the defendant for those claimed liquor operations.
28. He said in cross examination that he was not aware of any use of imprest money for liquor operations and that not all liquor operations would be formulated by his superiors. He explained that if there was any, then as the Head of the liquor unit, he would have informed of such operations. This even applies for regular and undercover liquor operations. In some instances, his team would be assisted by the CRU team and in this instance, they would work collaboratively together.
29. Betty Tagini was the final witness for the prosecution. She has been working for the Royal Solomon Island Police for 18 years and spent most of her time with the Crime Investigation Department (CID). In 2016, she was posted at the Central Police Station and was the Crime Investigating Officer (CIO). She said that there had to be briefings or orders given to her officers before they would conduct any operation.
30. She was shown exhibit P4 for dates 7-8/06/2016 for CID vehicle hire and P5 (the imprest breakdown prepared by the defendant) regarding money spent on vehicle hire for CID matters. She stated that there was no such vehicle hire. She gave the same response in court of having absolutely no idea of the operations conducted by the defendant justifying the receipts exhibited in P12-16. In her own words, she said *"I am not aware of any operation at Central Police Station that requires mobile top-up and if it relates to CID operation, it must come through me."*
31. In cross examination, she said that almost all CID operations were prepared and carried out by her team. Only for major police operations such as big tournaments and sporting events would be done by her superiors. She was not aware of any CID operation made by her superiors for example, the PPC without her knowledge. In practice, she must be informed of such operations as the CIO for Central Police Station.
32. It was suggested to her that Sgt. Zachariah Salopuka was the one who could have used the money for operations at the Central CID. She disagreed with that suggestion because she was not reported on that operation from Salopuka.

33. The admitted evidence contained in the police statement of Chris Laekalia dated 9/11/2017 and exhibited P1 revealed that he had no idea of any vehicle hire for the KG murder incident recorded in the imprest breakdown. If there was any then his colleague, John Maelalia, would have known.
34. His evidence in effect joined the rest of the prosecution witnesses denying the police operations the defendant has spent the money on as recorded in the breakdown of the imprest.
35. Exhibits P1 to P26 were tendered by agreement pursuant to section 21 of the *Evidence Act*⁶ and now form part of the admitted evidence for examination and assessment.

Defence case

36. The defendant remained silent and did not call any evidence. The defence then closed its case.

Court's findings

37. I am mindful of the legal requirement that even if the defendant remains silent, the onus is on the prosecution to prove its case beyond reasonable doubt. If there is any doubt, the defendant must be given the benefit of that doubt.
38. As I have mentioned earlier, the contested issue in this case is; whether or not the defendant has fraudulently converted part of the \$24,000. In considering this issue, the following are the pertinent questions the court needs to consider. First, whether he converted part of the \$24,000 to his own benefit. Second, if so, then whether or not he did so fraudulently and that is; (a) without the consent of the Solomon Islands government (b) knowing that he has no such consent (c) not honestly believing that he had any claim of right to the part of the money and (d) whether or not he intended to permanently deprive the Solomon Islands government of the part of the \$24,000.
39. Before I address each question, it is pertinent for me at this stage to make a finding on how much money out of the \$24,000 has been used by the defendant for the police operations or its rightful purposes as established by the evidence.

⁶ 2009

Monies used for police operations

40. Jimson Robo confirmed that \$700 was given to him by the defendant to purchase food for the on-duty police officers at the Central Police Station. It has never been the case for the prosecution that the money was converted to the benefit of others.
41. It is clear that he used the money to purchase food for the on-duty police officers and therefore, regardless of whether it was not receipted, the inference that can be drawn herein is the defendant has spent this money on duties that are considered part of the official operations or duties of the police. I find this \$700 is part of the money used by the defendant for police operational work or duties.
42. Allan Supa also confirmed that he received \$200 from the defendant for fuelling of Michael Kemadika's vehicle during the liquor operation he conducted in June 2016. He then obtained 2 receipts from the refuelling stations and gave them to the defendant. Unfortunately, those receipts were not attached or recorded in the imprest breakdown. However, the use of the money for fuel was not disputed by Allan Supa for the liquor operation. Therefore, I find that it was part of the money used by the defendant for police operations.
43. It is an undisputed fact that Michael Kemadika's private vehicle was used by Allan Supa for the liquor operation on two occasions. Although Supa was not informed of that vehicle hiring, the defendant has produced a receipt exhibited P17 to attest the hire of that vehicle. In light of this receipt and no contradictory evidence by the prosecution, I find the defendant had used \$1,400 as evidenced in the receipt for the police operations.
44. From what has been unfolded, it is clear that \$2,300 is the amount of imprest money not converted but used rightfully by the defendant for its intended purpose. The remainder of \$21,700.00 is therefore the subject of the alleged fraudulent conversion by the defendant.
45. So what is fraudulently converts? In *R v Charles Kaukui Ashley*⁷, Palmer CJ, when referred to *Tortelia v Queen*⁸ explains 'fraudulently converts' to mean "*dishonestly to prejudice or take the risk of prejudicing another's right, knowing that you have no right to do so.*"⁹ To simply put, fraudulent conversion is the using of the property for purposes other than what it is

⁷ HCSI-CRC No. 178 of 2011

⁸ [1987] SBCA 2

⁹ At page 5 of *Ashely's* case

intended for that resulted in prejudicing of another's right, knowing that the user has no right to do so. That is the important ingredient the prosecution must prove for an offence of conversion.

46. I now turn to address the questions posed earlier.

Whether he converted part (\$21,700.00) of the \$24,000 to his own benefit

47. To determine this issue will depend entirely on circumstantial evidence for drawing of inference. That inference must be drawn on the evidence unfolded during the trial.

48. The examination of the receipts attached with the imprest breakdown is crucial for this question.

49. Excluding the receipt for the hire of Kemadika's vehicle (P17), the defendant produced a total of 19 receipts to attest the using of the imprest money for the police operations. 7 receipts were obtained from a taxi service called Professional Taxi Services, 8 receipts from a company called Technology Plus and the remaining receipts from F.T Fuel Depot.

50. The following are the details of the receipts obtained from those business entities arranged according to dates:

Professional Taxi Services receipts

Date	Receipt No.	Received from	Being For	Sum	Exhibit No
4/06/2016	0181679	Charles Habatia	Vehicle hire @\$700/day cab MA 2208 from 1,2,3 & 4/6/2016	\$2,800	P7
6/06/2016	0181676	Charles Habatia	Vehicle hire for a day cab MA 2208 (CID)	\$700	P15
8/06/2016	0181677	Charles Habatia	Vehicle hire for 2 days cab MA 2208 from 7 - 8/06/2016	\$1,400	P12
9/06/2016	0181681	Charles Habatia	Vehicle hire for 2 days (CID/OPS) cab MA	\$1,400	P14

			2208 from 8 - 9/06/2016		
12/06/2016	0181680	Charles Habatia	Vehicle hire for 2 days cab MA 2208 from 11-12/06/2016	\$1,400	P19
15/06/2016	0465774	Charles Habatia	Vehicle hire for 3 days @\$700/day cab MA 2208 from 13, 14 & 15/06/2016	\$2,100	P21
30/06/2016	0181678	Charles Habatia	Vehicle hire for 4 days cab MA 2208 from 27, 28, 29 & 30/06/2016	\$2,800	P24

Technology Plus receipts

Date	Receipt No.	Received from	Being For	Sum	Exhibit No
4/06/2016	0465728	Charles Habatia	Mobile top up (Liquor)	\$500	P10
4/06/2016	0465769	Charles Habatia	Mobile top up (OPS)	\$500	P9
6/06/2016	0465727	Charles Habatia	Mobile top up (CRU)	\$500	P11
8/06/2016	0465733	Charles Habatia	Mobile top up (CID)	\$500	P13
9/06/2016	0465734	Charles Habatia	Mobile top up (CID)	\$600	P16
12/06/2016	0465729	Charles Habatia	Mobile top up (CID)	\$500	P20
13/06/2016	0465736	Charles Habatia	Mobile top up (CID)	\$400	P22
1/07/2016	0098401	Charles Habatia	Mobile top up	\$500	P26

F.T Fuel Deport receipts

Date	Being For	Sum	Exhibit No
1/06/2016	Fuel for cab MA 2208	\$1,500	P8
11/06/2016	Fuel for cab MA 0618	\$1,000	P18

13,14 & 15/06/2016	Fuel for cab MA 2208 and 0168	\$1,500	P23
27, 28, 29 & 30/06/2016	Fuel for cab MA 2208 and 0168	\$2,000	P25

51. It is a common business practice that when business entities issued receipts to customers, the receipts numbers must be issued progressively with the leaf number according to the date and time it was given. The original copy is given to a customer while the carbon copy is retained by the service provider.
52. The first customer would be issued with the first receipt leaf likewise the last customer who come on a later date would be issued with the last receipt leaf number. It is absurd, weird and against business management practice to issue receipts in a crisscross manner.
53. A closer look at the receipts produced by the defendant raises doubt as to whether they were in fact genuine and true receipts from those businesses or perhaps just made-up ones.
54. First, the receipts purportedly issued by the Professional Taxi Services and the Technology Plus have dates that do not match with the numerical sequence of the receipt numbers. For example, for Professional Taxi Services, on 4/6/2016, he was issued with the 79th leaf (**0181679**) of the receipt book, four days after (8/06/2016), he was issued with the 77th leaf (**0181677**) and eleven days after (15/06/2016), he was issued with the 74th leaf (**0465774**) of the same receipt book. To put it in another way, if all the receipt numbers are arranged numerically, the dates would appear something like this: 6/06/2016, 8/06/2016, 4/06/2016, 12/06/2016, 9/06/2016 etc.
55. The same mismatch also occurred for Technology Plus. The dates of the receipts did not match the receipt numbers. They are all over the place and were crisscrossed. If the receipts are rearranged numerically in order, one would also end with the similar order of dates like in the case of Professional Taxi Services.
56. In my view, these receipts look so fishy and very suspicious. Despite they have the business stamps, they are not convincing, questionable and utterly dubious. They are simply against the logic in issuing of receipts to customers in any business transaction. No reputable businesses like Professional Taxi Services and Technology Plus would do receipting in such manner.
57. Another serious matter is this. I have noted that receipts exhibited 20 and 21 were issued by Professional Taxi Services and Technology Plus. These are

two different business entities altogether. A closer look at their receipt numbers will show that they both used the same receipt book. Leaf 29 (0465729) was issued by Technology Plus while leaf 74 (0465774) of the same receipt book was issued by Professional Taxi Services. Under no circumstance this could happen in a business operation. Two different business entity cannot use the same receipt book. One must be different. Viewed in this, the inference I can draw here is; these are false receipts made up by the defendant himself to suit his own malevolent purpose.

58. Another serious doubt regarding the receipts is in relation to exhibit P5 item 8 for vehicle hire undercover operation for Jimson Robo. This was receipted in exhibit P19. Jimson Robo said that only \$700 was given to him and not \$1,400 as recorded in the imprest breakdown. In other words, Robo did not receive the amount recorded in the imprest breakdown and why the defendant put extra \$700 amounting to \$1,400 against Robo's name raises more questions than answers.
59. The obvious mismatches of the dates with the receipt numbers from Professional Taxi Services and Technology Plus have created so much doubt on the truthfulness of the receipts produced by the defendant. Therefore, I do not believe these receipts were given by these two business entities but ones that were self-created by the defendant.
60. Therefore, it must logically follow that I have also doubts to the receipts he obtained from the fuel station F.T Fuel Depot. The conclusion I reached about the falsity of the receipts produced by the defendant from the hire of the vehicles has displaced the truthfulness of whether there was any fuelling of the vehicles purportedly hired for the police operations at all. They were just simply fictitious. For example, if there was any fuelling of Kemadika's vehicle then it is expected that the defendant would not give \$200 to Allan Supa or perhaps, he should inform Supa that the vehicle was already fuelled.
61. I find Robo's explanations and combined with the evidence of the denials by John Maelalia, Willie Foufaka, Allan Supa and Betty Tagini of the police operations recorded against their units in the breakdown of the imprest of the defendant, have provided the court with a strong circumstantial evidentiary platform to draw an inference that the defendant had converted the money to his own benefit. That is the only rational inference that is open to the court and so is my finding herein.

Whether or not he did so fraudulently

62. The word fraudulently has been explained in *Regina v Regeo*¹⁰ as follows:

*“The essence of the offence of conversion, which was adopted in s:271 of our Penal Code from the English Larceny Act of 1916, is that the property had been received or was in the possession of the accused lawfully and that he fraudulently converted it to his own use or to the use of some other person. The most significant element in conversion, like in larceny, embezzlement and other related offences in the English Larceny Act of 1916 and our Penal Code is the fraudulent intent. The fraudulent intent is disclosed when one deals with the property of another, without that others consent and well knowing that it will prejudice the interest of that other person.”*¹¹

63. In the Court of Appeal case of *Toritelia -v- The Queen*¹², Connelly JA, explained the word ‘fraudulently’ in this manner:

*“As a matter of language, the essence of fraud is deceitful or dishonest conduct with a view to unjust advantage to the offender or injury to the rights of others Of its nature, the word connotes a conscious and deliberate act and knowledge that the act is wrong. Just as accidental fraud is inconceivable, so also is it impossible to describe as fraudulent an act honestly done in the exercise of a claim of right.”*¹³

64. In the present case, when the defendant received the imprest money from the Ministry of Finance and Treasury, he secreted it. As the evidence unfolded, he never disclosed it to any of the Heads of the police departments that he had an imprest money for police operations. As the Superintendent and Operation Manager for Honiara city, it is professionally incumbent on him to inform the Heads of the police units under his portfolio of the use of the money. The formulation, coordination and management of police operations is a transparent duty undertaking and any ‘self’ or what is normally termed ‘one-man mission operation’ is at odd to the effective and efficient operations of police especially when there are various departments of police to manage like the case of the defendant.

65. He also created a spreadsheet and inserted amounts of money that has not been used or expended for police operations. He attached receipts with false information to deceive the Solomon Islands government about how the money was spent. The Heads of the various police departments in Honiara

¹⁰ [1998] SBHC 69; IIC-C' 096 of 1993 (17 July 1998)

¹¹ At page 3 of the judgment

¹² (1987) SILR 4

¹³ Refer to judgment of Connelly JA

were not aware of the operations the defendant had recorded against their departments in the imprest breakdown.

66. The money was purposely to finance police operations of the Honiara city, nothing more nothing less. It was approved and paid to the defendant for that sole purpose. Its purpose cannot be changed or altered unless permission is granted by the imprest section of the MOFT. It was not given to the defendant to use it willy-nilly or at his whim outside of its intended purpose as understood by MOFT. There was no consent or approval from the Solomon Islands government to divert the use the money to his own benefit.
67. He knew that very well that it was given to him for that purpose, yet he made a conscious decision to use it for purposes other than what it was intended for. He did not have any *bonafide* claim of right over that money since it was a special imprest money. His action therefore deprives the Royal Solomon Islands Police as an agent of the State or even the Solomon Islands government as whole from the intended police operational services that money was committed or allocated for.
68. In the absence of permission or approval from MOFT, is this not fraudulent conduct? I don't think so, and therefore, I am satisfied that the vast array of evidence presented by the prosecution has overwhelmingly showed that he had a fraudulent mind when dealing with the money and therefore, converted part (\$21,700.00) of the money to his own benefit.
69. I find the prosecution has proven its case beyond reasonable doubt and accordingly convict the defendant, Charles Solomon Habatia, as charged.
70. Right of appeal applies.
71. Order accordingly.



Augustine Aulunga - Principal Magistrate