

IN THE CENTRAL MAGISTRATES' COURT  
OF SOLOMON ISLANDS



Criminal Jurisdiction

Criminal Case No. 799 of 2019

On the 5<sup>th</sup> day of December 2019

Sgt Lyndon Adifaka for the Police Prosecution  
Bobby Harunari for the Accused.

**BETWEEN:** REGINA Complainant  
**AND:** CHARLES SALVEN DORI Defendant

**SENTENCE**

The Defendant, Charles Salven Dori has been charged with one count of Cruelty to a child contrary to section 33 (1) of the Penal Code. He pleaded guilty to the charge and is therefore convicted on his own guilty plea.

The Prosecution and the Defence agreed on the following facts;

The Defendant is Charles Salven Dori from Maoro village, Central Kwara'ae, Malaita Province. He was 24 years old at the time of the offending. He is 24 years of age.

The Complainant is Hayson Hilton who is the defendant's 2 years old son.

The incident occurred on 24<sup>th</sup> August 2019 around 11:00 pm in the evening, at Valesala village, Tina area, Central Guadalcanal. On that day of the offending at their residence at Valesala village, the defendant was drinking Saratoga outside of their house veranda at that time.

After drinking his bottles of Saratoga, the defendant went into the house and carried his son Hayson Hilton from the child's grandmother (mother of the defendant's wife). The defendant then uttered these words to the child "*this is the only I will die with*". Upon hearing this, the child's grandmother went to the defendant and carried away the child from the defendant. Later on, the defendant went to the child's grandmother and attempted to pull the child away from the grandmother. The defendant used his hands by grabbing the child's both armpits as he tried to pull the child away.

While both were struggling in pulling the child, the child cried and the grandmother let go of the child to the defendant. Later on, the defendant bent his head down and bit the child's left side head upper to the child's left ear and armpit.

The matter was reported to the Police and the defendant was arrested.

The Medical report indicated that the injuries sustained by the child at his side head upper to the child's left ear is from the bite from the defendant's mouth. Also the injury to the child's armpit is from the defendant's bite as well.

The Medical report dated 25<sup>th</sup> September 2019 indicated that upon examination of the child, the child sustained a 3x3cm laceration to the right side of the scalp and a 4x4 cm laceration on the child's armpit.

It has also been agreed by parties that there has been a reconciliation between the families of the defendant's wife and families of the accused, in relation to this matter.

This is an unusual offending, unusual in the sense that what the defendant did was at odds with the standard of care and trust expected of a sound and reasonable father to his own biological child. A father should provide for his family and protect them against any form of violence. Safety and security of family members should be the utmost duty of a father. In this case, the Accused had breached the trust placed on him.

This incident is a demonstration of a father who does not care about the wellbeing and safety of his young son. Instead of protecting his child from harm, he was the one who inflicted serious injuries, through the bites to the body of his child. The reason why the offence was committed remains unexplained. Even if there is an explanation, there is no justification for what the Accused did. It was an act of cruelty, an unlawful act against an innocent young child who had no physical power to resist and defend himself from the violent aggressive behavior of his uncaring father. What he could only do was to cry in agony as the pain ran through his young body.

A child looks to a father for love and care. This duty was well articulated by the Chief Justice, Sir Albert Palmer in the case of *R v. Mostyn Ludawane*<sup>1</sup>. His Lordship said;

*"The most important gift any parent can be given is a son or a daughter. "Children are an heritage from the Lord, and the fruit of the womb is his reward" (Psalm 127:3). The word "heritage" means a blessing and a gift. Children are not property to do as one pleases, rather you are required to bring them up in the "nurture and admonition of the Lord[3]". There are many parents who spend more time taking care of their flowers and gardens, but spend little time on the most valuable gift in their hands, their children. A master carver or painter will spend hours to perfect the image of his carving or painting, how much more should parents on building, mentoring and training their children, so that the right image is produced in their children, based on Christian values and principles, of godliness, righteousness, honesty, love, hard work and truth. There is no perfect parent in this world but God gives his Grace to parents to enable them discharge their parental duties."*

The defendant must be punished for his unlawful acts. This Court has a duty to protect the vulnerable members of the society such as this complainant against such violent behaviour from members of the public and family members. The principal of general deterrence is an important consideration in this case. The sentence must discourage and deter the Accused and others from committing similar offences in the future.

The nature of the injuries are described in the medical report and having looked at the photographs tendered by consent, these are serious injuries.

Having considered the facts of the case, the aggravating factors and the need for deterrence, the appropriate form of sentence is a custodial one and the starting point is 2 ½ years imprisonment.

The Accused has pleaded guilty to the offence and therefore, he must be given credit for that. I accept that he is a first time offender and deserved to be treated as such. I accept that he has regretted his actions. He is a young offender who has a long future ahead. A

---

<sup>1</sup> [2010] SBHC 128; HCSF-CRC-233 of 2008 (5 October 2010)

reconciliation had been conducted to mend the ill-feeling between the family of the Accused and his wife.

To reflect the plea and the other mitigating factors, 1 year is deducted from the starting point. The total effective sentence to be served is 1 year 6 months imprisonment or 18 months imprisonment.

The sentence is backdated to commence on 28<sup>th</sup> October 2019, the day the Accused was first remanded in custody.

The Court,

  
.....

Ricky Iomea - DCM

