

IN THE BUALA MAGISTRATES')
COURT OF SOLOMON ISLANDS)

(Criminal Jurisdiction)

Criminal Case No. 391 of 2019 BMC

REGINA

-v-

HENRY MAE

Prosecution: Mr Manehage of Buala Police Prosecutions.
Defence: Accused in person
Plea date: 22nd May 2019
Sentence: 22nd May 2019

SENTENCE

Background of Case

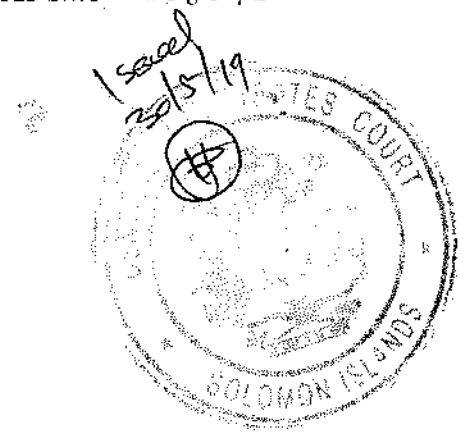
1. You, Mr Henry Mae, appear before me today, 22nd May 2019, with one count of Illegal Sale of Liquor contrary to section 57(1) of the *Liquor Act Cap 144*.
2. You wished to proceed on with the matter without any legal representation and you were arraigned.
3. You pleaded guilty to that offence and I convict you.
4. The fact was read to you pidgin and you agreed to the facts. I will not repeat the facts. You also added to the facts which Prosecutor Manehage did not object. You said that Police did not show any Warrant to search you premises.

Maximum Penalty

5. The maximum penalty of Sale of Liquor contrary to section 57(1) of the *Liquor Act* is \$2,000 for a first time offender. A second time offender, the maximum penalty is \$10,000.
6. The original maximum sentence was \$200. The increase was done later in 2009 when the Legislators passed the *Miscellaneous and Penalties Act 2009*. The shift can be viewed as the country's concern to punish more severely the offenders in order to address, at best, the problem.

Aggravating and Mitigating factors

7. I have considered the facts and the submissions, by the Prosecutions and the Accused person in court. I also had the benefit of observing the demeanour of the Accused in court.



8. I noted that there are no aggravating factors.
9. For mitigation, I will give to your benefit the early guilty plea. This reflects remorse on your part. You are responsible for actions that you committed. It shows someone who is willing to learn and will learn. You are first time offender with no previous conviction. The Court sees you as a person who has lived a good life. A law abiding citizen until you were convicted of the current offence.

Sentencing Consideration

10. You argued that Police did not bring any warrant of search when came to your premises and conducted their search. However, they confiscated 51 cartons of beer which was the basis of your offence. I agree with Prosecutions that the warrant is another matter not relevant to the sentencing. A matter which you can take it up with PSII or a law suit.
11. You must be told that there are proper ways to properly sell liquor. An application can be submitted to the relevant Provincial authority. It is an investment that the Province will benefit. Do it the wrong way, you now stand before the court for it.
12. I take the starting point of your sentence as \$1,500.
13. I remove \$500 for the mitigating factors.
14. I further deduct \$500 for the delay. You were charged in 2017. A simple case. What took so long for the Accused to eventually come to court today? There is no explanation by the prosecutions.
15. I have asked the Prosecutions if the 51 cartons of beer are still not expired. They said yes.

ORDERS

16. Impose a sentence of \$500 to be paid by 31st May 2019.
17. In default, 20 days imprisonment.
18. The 51 cartons of beer to be destroyed forthwith.
19. 14 days available to any aggrieved party for appeal

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Ishmael Kekou Magistrate First Class

