

IN THE BUALA MAGISTRATES')
COURT OF SOLOMON ISLANDS)

(Criminal Jurisdiction)

Criminal Case No. 399 of 2019 BMC

REGINA

-v-

JAMES RINGO KILE



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

SENTENCE

Background of Case

1. On 22nd May 2019, you appeared before with a count of common assault contrary to section 244 of the *Penal Code*.
2. You wished to proceed on with the matter, even without a legal representation.
3. You pleaded guilty to the charge and I convict you accordingly.
4. The summary of the facts are that on 14th January 2019 at Island Bay in Havulei Ward, the Victim Mr Mosses Legumana was at the Timber Control House when the drunk Offender accused him of missing signal lights of a Company. The Victim tried to explain but the Offender punched the Victim's left chin. The Victim became dizzy and was sub conscious.

Maximum Penalty

5. The maximum penalty of Common Assault is 12 months imprisonment.

Aggravating and Mitigating factors

6. You were drunk. It makes your case serious. And also the attack was unprovoked.
7. The mitigating factors are that you pleaded guilty. It saves time for all of us. I must give you credit. You have no previous conviction and I take into account the circumstances of you case. You paid compensation the Victim of \$200. Those are the mitigating factors I see in your favour.

Sentencing Consideration

8. The sentence I impose must reflect the level of culpability and the circumstances of this case. The victim became partially unconscious when you hit him. It shows that the hit is a strong one. The hit was also on the head. Head is considered an area which can sustain more dangerously than other parts of the body. As it is where the main delicate organ, brain that controls the whole body.
9. The starting point for your sentence is 3 months imprisonment.
10. I reduce it by one month for the mitigating factors.
11. Prosecutions have submitted that the Court should impose a fine of \$200.
12. I agree but the fine should be \$600. I invoke section 24(3) of the *Penal Code* and impose the fine.

ORDERS

13. Impose a sentence of \$600 fine to be paid by 31st May 2019.
14. In default, imprisonment term of one month.
15. Right of Appeal within 14 days.



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Ishmael Kekou – Magistrate First Class

