

IN THE BUALA MAGISTRATES' )  
COURT OF SOLOMON ISLANDS )

(Criminal Jurisdiction)

Criminal Case No. 392 of 2019 BMC

**REGINA**

-v-

**JAMES MANEHE**



Prosecution: Mr Lekumana of Buala Police Prosecutions  
Defence: Accused in person  
Date of Plea: 23<sup>rd</sup> May 2019  
Date of Sentence: 24<sup>th</sup> May 2019

**SENTENCE**

1. Mr James Manehe, appear before me yesterday with one count of Assault Causing Actual Bodily Harm contrary to section 245 of the *Penal Code*.
2. You pleaded guilty on the charge and I convict you accordingly.
3. The summary of the facts are that on 7<sup>th</sup> April 2019 at about 8pm the victim (your wife) was at home and you arrived by boat to the village. You were drunk. The victim was not happy with you as you arrived drunk and threw stone at your boat. You left with two of your friends. When you returned home, later in the night, you shouted the name of the victim and immediately went into your house to where the victim was sleeping and assaulted her. You kicked the victim on her legs and buttock. The Victim ran outside of the house to escape. You followed her to the outside and you kicked her left hip and punched her chest. She fell down and was unconscious. You bent down and broke her shirt. And you cursed her saying, "fuckem daddy blong you". The Victim sustained injuries from the assault.

Maximum Penalty

4. The maximum penalty of Assault Causing Actual Bodily Harm under section 245 is 5 years imprisonment.

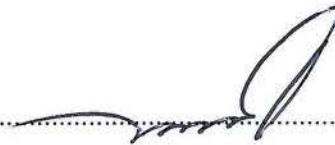
Aggravating and Mitigating factors

5. I have considered the facts and the submissions, by the Prosecutions and the Accused person in court.

6. It aggravates your case when you committed the offence at night. It was dark, and normally, one cannot see well. At night, it is more susceptible to more risks than at daytime. You were also drunk. Being drunk departs you from the normal senses and control you have when you are sober. The assault was continuous and cruel. The victim is your wife, the mother of your children. How serious could it be?! The Victim was already unconscious. But you did not stop. You continued and cursed her, "fuckem daddy blong you!".
7. The mitigating factors in your favour are that you took an early guilty plea. I take to remove unnecessary delay and also to show that you are being remorseful. I have observed you demeanour. You appeared very remorseful with you wife at the back of the court. You reinforced you remorse by saying sorry in court. I believe you. You have no previous conviction. Your personal circumstances is that you are the breadwinner of the family. Your wife needs you. In fact, your wife gave her story under oath in court to support you that she does not want you to be in custody. She has reconciled with you. And that, today, everything is now good between the two of you. I take that as reconciliation. I also received a document showing of the minutes of reconciliation between your family and the Victim's family. I noted that you paid compensation.

Sentence by the Court

8. I have almost discussed the court's consideration in the aggravating and mitigating factors.
9. It is my view that the appropriate starting point is two years imprisonment.
10. In factoring the mitigating factors, I reduce your sentence by one year.
11. I have heard what your wife, the victim has said in court. Justice must also be done to her. She was sympathetic with you. She asked the court to impose a sentence that is not custodial in nature. She cried that she depends on you for her wellbeing and also for your nuclear family.
12. For that, I suspend your sentence of one year imprisonment for one year.
13. Aggrieved parties may appeal within 14 days.
14. Order accordingly.

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Ishmael Kekou – Magistrate First Class

