

IN THE BUALA MAGISTRATES')
COURT OF SOLOMON ISLANDS)

(Criminal Jurisdiction)

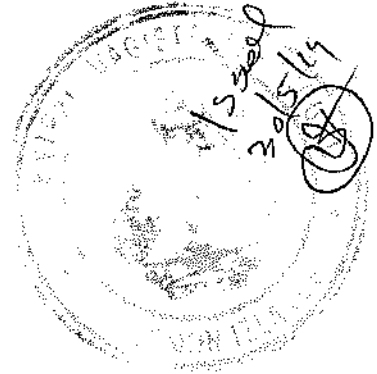
Criminal Case No. 397 of 2019 BMC

REGINA

-v-

FRANCIS MANETEI

Prosecution: Mr. Waokea of Buala Police Prosecutions
Defence: Accused in person
Plea date: 23rd May 2019
Sentence: 23rd May 2019



SENTENCE

Background of Case

1. You, Mr Francis Manetei, appear before me today 23rd May 2019, with one count of Common Assault contrary to section 244 of the *Penal Code*.
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.

Maximum Penalty

5. The maximum penalty of Common Assault contrary to section 244 of the *Penal Code* is 12 months imprisonment.

Aggravating and mitigating factors

6. I have considered the facts, submissions by the Prosecutions and the Accused person in court. I also had the benefit of observing the demeanour of the Accused in court.
7. I noted that the aggravating factors in your case are it was night time. You were also drunk.
8. The Mitigating factors in support of you are that you took an early guilty plea. You were remorseful. You have no previous conviction. I also consider your personal circumstances as per the antecedents. You also reconciled with the Victim and paid her \$100.

Sentencing Consideration

9. You were unhappy with the Victim. You should have explored other lawful avenues to settling the matter. Instead you chose to slap her. Now you are here in court.
10. It is my view that after considering all the circumstances and aggravating factors of your case, the starting point should be three months imprisonment.
11. I reduce the sentence by two months for all the mitigating factors and delay to prosecute the case.
12. I then invoke section 24(3) of the *Penal Code* and convert the imprisonment to a fine of \$400.

ORDERS

13. Impose a sentence of \$400 to be paid by 31st May 2019.
14. In default, 30 days imprisonment.
15. 14 days available to any aggrieved party for appeal



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Ishmael Kekou – Magistrate First Class

