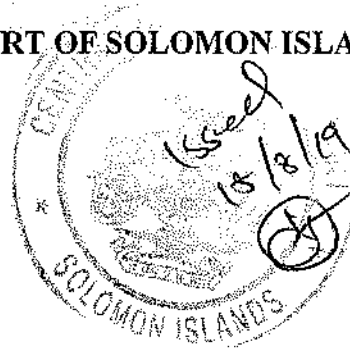


**IN THE CENTRAL MAGISTRATES COURT OF SOLOMON ISLANDS
AT TULAGI**

(Criminal Jurisdiction)

Criminal Case No: 528 of 2019

REGINA.



-V-

FRANK VUREBONA

Coram: HOLLISON F (PRINCIPAL MAGISTRATE)

Appearances:

Mr J. Saugaro and E. Kangea for the Crown

Mr F. Kama of Public Solicitors Office for the Defendant

Date: 18 July 2019.

Notice: *This copy of the Court's Reasons for Judgment is subject to formal revision prior to publication.*

SENTENCE

1. The Defendant, Mr Frank Vurebona, was charged with one count of threatening, abusive or insulting words or behavior contrary to s 178(n) of the Penal Code [Cap 26]¹.
2. He pleaded guilty to the said charges earlier this afternoon. I now convict him based on the plea entered.
3. The defendant or offender agreed with the summary of facts.

Facts

4. On or about 16th February 2019, the offender insulted and swore at the victim by saying the words "...you eat shit", with the intention to provoke a breach of the peace or whereby a breach of peace may be occasioned. This incident occurred in the Tulagi Township in Central Islands Province.

¹ Penal Code [Cap 26]

Discussion and Analysis

5. Section 178(n) of the *Penal Code* [Cap 26]² states as follows:

178. Any person who -

(n) in any public place uses threatening or abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned. Is guilty of an offence, and shall be liable to a fine of ten dollars or to imprisonment for one month.

6. The *Penalties Miscellaneous Amendment Act 2009 No. 14 of 2009*³, amended section 178 of the *Penal Code* [Cap 26]⁴, by increasing the maximum monetary penalty to SBD 1000.

7. The mitigating factors are obviously the guilty plea entered, no previous conviction and other factors. The offender must be given credit for the mitigating factors.

8. After having considered both the aggravating factors and the mitigating factors, I am satisfied that the amount of SBD 200 is appropriate for this case.

9. The fine imposed may appear to be trivial but it should still be a lesson for the offender, as he now has a criminal record.

10. I therefore issue the following orders:

- 1] The offender is ordered to pay a fine of SBD 200.**
- 2] The penalty must be paid within two weeks from today. In default of payment, the defendant will be imprisoned for twenty days.**
- 3] Right of Appeal within 14 days.**



**PRINCIPAL MAGISTRATE FELIX HOLLISON
THE COURT**



² *Penal Code* [Cap 26], 178

³ *Penalties Miscellaneous Amendment Act 2009 No. 14 of 2009*

⁴ *Penal Code* [Cap 26], s178