

IN THE CENTRAL MAGISTRATES' COURT
OF SOLOMON ISLANDS

Criminal Jurisdiction

Criminal Case No. 441 of 2019

On the 11th day of July 2019

Police Constable Mr. Tei for Police Prosecution
Bobby Harunari for the Accused.

BETWEEN: REGINA Complainant
AND: EDDIE SAM Accused

SENTENCE

1) The Accused, has been charged with one count of *Criminal Trespass*, contrary to section 189 (2) of the *Penal Code* and one count of *Larceny in a dwelling house*, contrary to section 269 (a) of the *Penal Code*. He admitted those charges by entering pleas of guilty on 13th June 2019. He is therefore, convicted on his own guilty pleas. Today is for this Court to deliver the sentences in the case.

The agreed facts

- 2) The defendant is 26 years old and is from Lolo village of Mbaelelea, North Malaita. He resides with his friend, Mamu Mamuna at Lengakiki area in Honiara.
- 3) On 8th June 2019 between 2000 hrs and 2100 hrs at night, the defendant was consuming liquor and got drunk. At that time he then unlawfully entered a private property owned by Malcom Nonga, the Complainant without his consent.
- 4) He entered the property through the main door and went into the room and got hold of a black HP laptop worth \$5,000.00 which was on the table. He placed the laptop under his T-shirt and went straight to the main door, intending to escape with it.
- 5) The wife of the Complainant who was in the room saw what the defendant was doing and shouted at him. She also alerted her husband with the other boys from the area what had happened. The

defendant then dropped the laptop on the door of the house and ran out of the main door.

- 6) He was chased and captured by the Complainant with the assistance of the neighbours and was handed to a Police Officer who also reside at the area. He was interviewed by Police at the Central Police Station and admitted what he did.

Aggravating and mitigating factors

- 7) The aggravating features that can be noted from the facts is that he committed the offences during the hours of the night when he knew that the occupants would already well into their sleeps. It can also be assumed from the acts of the defendant that he had put some thoughts into this before he entered the house. His intention to benefit himself from this offending was never fulfilled as he was getaway was interrupted by the wife of the Complainant who raised the alarm.
- 8) Being drunk cannot excuse what you did. If he thinks that he did what he did because he was drunk then it is time that he reconsider abusing alcohol. Drinking does no one good but will only lead one to serious consequences. A person's background cannot also be blamed for one's unlawful action. There is simply, no justification for breaking the law.
- 9) The defendant has no previous conviction.
- 10) He is 26 years old and still single.
- 11) I note his plea of a guilty to the charges. A plea of guilty entered when one knows that he is facing the prison gate or he will be in prison for a significant period of time, indicates genuine remorse. The plea also saves time and resources in conducting a trial on that charges. I will give the Accused full credit for that.

Principle of sentencing applicable

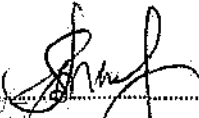
- 12) The principle of deterrence - both specific and general is in my view the most important consideration when deciding the sentences to be imposed in this case. The defendant must be deterred from engaging in such criminal conduct in the future. This Court will continue to fulfil its obligation in sentencing and to send the message clear to the defendant and others that

this kind of unlawful conduct in society cannot be tolerated by the Courts.

Sentence

- 13) The appropriate starting point, taking into account the facts and aggravating feature present is 2 years. To reflect the plea of guilty to this offence and the fact that he is a first time offender, 6 months is deducted. The appropriate sentence in my view is 18 months imprisonment for Larceny in a dwelling-house. The appropriate sentence for the offence of Criminal trespass is 4 months imprisonment. The sentences are to run concurrently.
- 14) The total sentence to be served is 18 months imprisonment.
- 15) The sentence is back-dated to commence on when he was first taken into custody.

THE COURT



Ricky Iomea

Deputy Chief Magistrate

