

IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 84 of 2018

REGINA

V.

LAWRENCE LAUWANE

Before: Principal Magistrate Ms. Fatimah Taeburi
Ms. Patricia Tabepuda for the Crown
Mr. Rodney Manebosa for the Defendant

Date of Hearing: 31st July 2019
Date of Sentence: 2nd August 2019

Sentence

1. You pleaded guilty to one count of forgery, two counts of fraudulent falsification and one count of uttering. I convict you accordingly.
2. The facts in your case are as follows;
3. The complainant in this case is a locally owned company by the name of Arania Enterprises Limited.
4. You were hired on causal basis to work for the company.
5. You used an invoice belonging to the company and entered false information.
6. You then recorded false information in the company cheque book at the cheque butt.
7. You raised an ANZ cheque belonging to the company. You forged the signatures of two of the company signatories who are members of the board of directors.

8. You went to the ANZ bank at Panatina Plaza and cashed the cheque in the amount of \$64, 800. 00.
9. You bought a car and other chattels with the money you stole.

Aggravating factors

10. I find the following aggravating factors in your case;
11. You premeditated the offending. From the time you filled up the invoice with false information, it was clear that you already had in place a well calculated plan to steal from the company. The manner in which you carried out your malicious plan is very devious and cunning.
12. The fact that you stole from your employer is also aggravating. There is a breach of trust. I consider the remarks made in the case of *Fiuadi v Reginam*, where it was stated;

Any offence of dishonesty is serious but, when it is committed by a person in a position of trust in breach of the trust placed in him, it is more serious.

Any employee, by the nature of his employment, always has the opportunity to steal his employer's property. The public service and all commercial undertakings can only function properly if they can rely on the loyalty and honesty of the people they employ.¹

13. I consider the amount of monies you stole as substantial.
14. I consider the loss suffered by the complainant. This is a company owned by local indigenous Solomon Islanders who not only strive to earn an honest living but more importantly contribute positively towards the economic development of this country. I must consider the need for retribution to the complainant.

¹[1989] SBHC17

Mitigating factors

15. In mitigating, I take into account that you pleaded guilty. You demonstrated remorse and you saved time and resources.
16. I consider that you have no previous convictions.
17. I consider your personal circumstances.
18. The maximum penalty for forgery is life imprisonment.²
19. The maximum penalty for fraudulent falsification is 7 years imprisonment.³
20. The maximum penalty for uttering is the same as forgery.⁴
21. In deciding on the appropriate sentence to impose, I consider the remarks made in *Fuiadi v Reginam*, where it was stated;

It must be clearly understood that in any offence where a breach of trust is involved a sentence of imprisonment will always be appropriate.

The enormous majority of honest employees who resist the temptation to steal their employer's property must see that those who succumb are punished. It is therefore only in the most exceptional circumstances that it would be appropriate to suspend a sentence of imprisonment...⁵

22. In my view the appropriate sentence are as follows;
 - a) Count 1 - Forgery - 3 ½ years imprisonment;
 - b) Count 2 - Falsification - 2 years imprisonment;
 - c) Count 3 - Falsification - 1 ½ years imprisonment;
 - d) Count 4 - Uttering - 2 years imprisonment;

² Penal Code [Cap 26]

³ Ibid.

⁴ Ibid.

⁵ Refer to foot note #1

23. All sentences are to be served concurrently. You are therefore sentenced to 3 ½ years imprisonment. The time spent in custody is included in this sentence.
24. Right to appeal within 14 days.



Ms. Fatimah Taeburi
Principal Magistrate