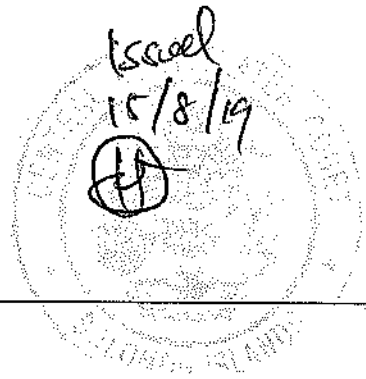


IN THE SOLOMON ISLANDS MAGISTRATES' COURT  
AT HONIARA  
Criminal Case No. 253 of 2019



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REGINA  
V  
CHRISLEY PAKELOA

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Before: Principal Magistrate Ms. Fatimah Taeburi  
Police Constable Mr. Henry Oneone for the Crown  
Mr. Andrew Bosa for the Defendant

Date of Hearing: 14<sup>th</sup> of August 2019  
Date of Ruling: 15<sup>th</sup> of August 2019

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**SENTENCE**

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Introduction

1. You pleaded guilty to one count of demanding money with menace contrary to section 295 and section 21 of the penal code; one count of common assault contrary to section 244 of the penal code; one count of threatening with violence contrary to section 89(a) and section 21 of the penal code; and one count of criminal trespass contrary to section 189(1) and section 21 of the penal code.
2. I enter criminal convictions against you.

Agreed facts

3. The facts in your case are as follows;
4. You and two other men went to the complainant's house in the afternoon on the day of the incident. The complainant in this case is your sister-in-law. She was 8 months pregnant at the time.

5. You had suspected your wife of having an affair with another man and that was the reason for your frustrations at the time.
6. You went to the complainant's house and demanded compensation. You were drunk. You were aggressive and threatened the complainant and her father.
7. The complainant tried to calm you down and asked if you could come back the next day. You refused and you insisted that she gives you the money.
8. You were even more aggressive. You shouted. You kicked the walling of the complainant's house. You shot the complainant with a sling and stone. The stone hit the complainant on her belly. She fell to the ground and was rushed to the hospital.


#### Aggravating factors

9. I take the following aggravating factors into account;
10. That the victim here is not just a woman, but she was also 8 months pregnant. You had no concern and no respect at all for your sister-in-law. You demonstrated no compassion and no pity for a heavily pregnant woman. Men who assault women especially pregnant ones are cowards. It is just fortunate that you did not harm the baby inside of her.
11. You used a weapon. I consider the sling and the stone as a weapon.
12. You intimidated the complainant and the members of her family in a group.
13. You were drunk.

#### Mitigating factors

14. I consider the following mitigating factors;
15. You pleaded guilty.
16. You have no previous convictions.

17. You are 19 years old. There is a higher possibility of rehabilitation with young offenders like you.
18. Your lawyer submitted that I should take into account that you were frustrated because your wife had an affair with another man. I must tell you that every marriage have their problems. Maintaining a marriage takes commitment, respect, love and hard work. You must learn to resolve your problems within your marriage in a civilised manner. Taking the law into your own hands and intimidating and assaulting other people are not the way to deal with your problems.
19. I consider the maximum penalties for the offences you committed.
20. In my view the appropriate sentences are as follows;
  - a) Count 1 - demanding money with menace - 1 ½ years imprisonment;
  - b) Count 2 - common assault - 6 months imprisonment;
  - c) Count 3 - threatening violence - 2 months imprisonment;
  - d) Count 4 - criminal trespass - 1 month imprisonment;
21. All sentences are to be served concurrently. In total you are sentenced to 1 ½ years imprisonment.
22. The time spent in custody to taken into account.
23. Right to appeal within 14 days.

  
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Ms. Fatimah Taeburi  
Principal Magistrate

