



**IN THE CENTRAL MAGISTRATES' COURT
OF SOLOMON ISLANDS**

CRIMINAL JURISDICTION

CMC-CRC No. 483 of 2019

REGINA

V

PAULINE LEOA

Date of Sentencing hearing: September 16, 2019

Date of Sentence: September 17, 2019

Constable Tei for Prosecution

Mr Harunari for Defence

SENTENCE

Introduction

1. The Accused, Ms Pauline Leoa, appeared this court with 5 counts:
 - i. Careless Driving contrary to section 40(1) of the *Road Transport Act*
 - ii. Presence of alcohol in person's blood contrary to section 43A(1)(a) of the *Road Transport Act*
 - iii. Driving unlicensed motor vehicle contrary to section 7(1) of the *Road Transport Act Cap 131*
 - iv. Motor Vehicle to be insured contrary to section 8(1) of the the *Motor Vehicle (Third Party Insurance) Act*
 - v. Driving without a valid Drivers valid license contrary to section 20(1) of the *Road Transport Act*.
2. The Accused pleaded guilty to all the charges and I convict her accordingly.
3. The maximum penalty of the offences in order of the Counts are:
 - i. Count 1: \$5,000
 - ii. Count 2: \$10,000
 - iii. Count 3: \$5,000
 - iv. Count 4: \$150
 - v. Count 5: \$5,000

Facts

4. The facts were tendered to the court and it was read in pidgin to the Offender. The Offender agreed to the facts. The facts was that on 30th May 2019, sometimes between 6.30pm and 7.00pm, the Offender was driving a motor vehicle, a White Toyota Ray 4 registered as MB8571. She was driving along the Kukum Highway road in adjacent to the Marine School, east of Honiara. Without due care and attention, the Offender drover onto the rear of a White and red Toyota Hiace Bus with registration number MB 5722. It was with such force that the red Toyota Hiace Bus was moved to hit onto a rear of another vehicle, Pear White Toyota Corona Registration number MA9161. It resulted in damages to all the vehicles involved in the incident. Unfortunately, no report of the damages was provided to the court. The Offender was taken to Police station and was later found to have been drunk with alcohol at the time of offending. She was then charged accordingly.

Antecedents of Accused

5. The antecedents of the Offender are:
- (a) He is 39 years old;
 - (b) Married and now separated with partner;
 - (c) Have 4 children aged, 18, 16, 10 and 8;
 - (d) Breadwinner; and,
 - (e) Have no previous convictions.

Court's discussion

6. After hearing from the submissions of the Prosecutions and from the Accused person, I make the sentence as follows:

Aggravating Factors

- 7. It only makes sense that to hit one vehicle pushing it (vehicle being hit) to hit another means a great force is applied. This aggravates the offence of careless driving.
- 8. 7pm is about early night. It is night. Therefore makes the case serious.

Mitigating Factors

- 9. Took an early plea at the first opportunity. It shows remorse and saves everyone's time and resources.
- 10. First time offender. That the Accused was a law abiding citizen until she was charged.
- 11. The Offender is the Breadwinner and the dependents are his family. Her four children.
- 12. No previous conviction.

Court Sentence

- 13. Deterrence must be addressed in the sentence. Public and the Offender must be warned that Court does not take lightly on the offence.

14. I have considered the circumstances leading up to the offending. It appears that the Offender blames the vehicle in front of her to be partly at fault. Because the vehicle signalled too late and slowed all of a sudden causing the Offender to press on the brakes too late causing the accident. While it may be so, she has presence of alcohol and did not have a driving license. It does not go well for the Offender. She is 39 years a fully grown adult who has a family to look after. She ought to be more responsible and pave the way for the community and her children. She did the opposite!
15. From the circumstances, aggravating factors, and deterrence, it is only appropriate that the sentence:
- i. Count 1: A fine of \$2,000
 - ii. Count 2: A fine of \$4,000
 - iii. Count 3: A fine of \$2,000
 - iv. Count 4: A fine of \$100
 - v. Count 5: A fine of \$2,000
16. In considering the mitigating factors, I reduce one third for all the fines for the early guilty plea and the further takeaway \$700 from the count of careless driving for the personal circumstances and other mitigating factors and they are as follows:
- i. Count 1: A fine of \$1,400
 - ii. Count 2: A fine of \$2,000
 - iii. Count 3: A fine of \$1,400
 - iv. Count 4: A fine of \$ 70
 - v. Count 5: A fine of \$1,400
17. The Sentence is to run concurrent, thus, the head sentence of \$2,000.

ORDERS

1. The Offender is sentenced to \$2,000 fine to be paid by 8th October 2019.
2. And in default of the payment of fine, the Accused is to be arrested and remanded in custody for 3 months imprisonment.
3. Aggrieved party has the right of appeal within 14 days of this judgement.
4. Order accordingly.



THE COURT

Ishmael Kekou – Magistrate First Class