

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

CRIMINAL JURISDICTION

CMC-CRC No. 463 of 2019

REGINA

V

TERERE AND TEINGOA

Date of Sentence Hearing: October 8, 2019

Date of Sentence Ruling: October 9, 2019

Constable Pitasua Police Prosecution

Mr Dive the Defence

SENTENCE

1. Ms Terina Terere and Mr Joseph Tata Teingoa were convicted after trial for selling 3 lager beers without liquor license.
2. The facts was that on 23rd May 2019, sometimes between 8pm Ms Terina Terere sold 3 Lager beers at Oba premises to a man called Edmond. She did it for her uncle Mr Joseph Tata Teingoa. At that time, Joseph Teingoa did not have any liquor license for the sales. A Police Informant saw this and it was reported to the Central Police Station. The Caller described that Ms Terina Terere was a girl in a purple shirt while the buyer was in a striped shirt with a black plastic with cans of beer in it. The report was immediately conveyed to a team of Police patrol who were at the roundabout of Honiara City Council. The team drove up to Oba. Arriving there, the police saw as described Ms Terina Tere and Edmond. They made arrest and Ms Terina Terere admitted to the offending for her uncle Mr Joseph Tata Teingoa. This led the Police to arrest Mr Joseph Tata Teingoa for the offending.
3. Illegal sale of liquor under the Penalties Miscellaneous Amendment Act 2009, for first time offenders has a maximum penalty of \$1,500.
4. Such an offending is not only an offence but is also harmful to the Government, entice and promote illegal purchase and promote social problems. An example is that anything sold to gain profit like any other business must contribute to the Government by tax. In return

the Government use the tax money as part of revenue to provide services. An essential service which both Offenders might need from the Government is the Health services.

5. A wrong message is preached when liquor is sold without a license. The message is: it is okay to break the law. How? In this case, the illegal sales provides a hub for people to breach the law. By illegally selling beer is illegally buying of beer!
6. Worse still, there are children residing at Oba premises. Unconsciously or consciously, the children learn from the actions of the Offenders. Such actions are not healthy for the children to learn from.
7. Despite the enforcement of law to stop sales of liquor without licence, it continues. In some areas, it is as if there is no law enforcement around and they are left do as they please in public. This court strongly condemns such offending. If one thinks that the maximum penalty fine is not enough as the gain from proceeding from illegal sales can meet the fine easily, then this court will have to put with its sentencing, at best, to deter the offending.
8. As a first time Offenders, they are subjected to the court to determine on maximum penalty of \$1,500.
9. I take into account the cooperation the Offenders have rendered to the Police. Mr Joseph Teingoa is a Breadwinner and Ms Terina Terere is a young person. And that they only sold three cans of Lager beer.
10. Sentencing is a discretionary balancing exercise by the court. With the need for deterrence, and considering the mitigating factors, I, therefore, order as follows:
 - a. Impose a sentence of a fine of \$500 for each of the Offenders and that they should pay their fines by 23rd October 2019.
 - b. If the fine is not paid by either or both of the Offenders, the default is a twenty days imprisonment.
 - c. Order that the 3 lager beers be brought to the Central Magistrate court by 10th October 2019 and be destroyed forthwith.
 - d. Right of Appeal applies to any of the Parties within 14 days of this Sentence.

THE COURT

Ishmael Kekou – Magistrate First Class

