



**REGINA**

**V**

**MICK PONGI TAPOIKA**

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Before: Principal Magistrate Ms. Fatimah Taeburi  
Prosecutor Mr. Jonathan Lui Auga (DPP) for the Crown  
Mr. Michael Fagani (PSO) for the Defendant

Date of Hearing: 23<sup>rd</sup> October 2019  
Date of Sentence: 24<sup>th</sup> October 2019

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## **Sentence**

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### **Introduction**

1. You pleaded guilty to one count of failing to comply with traffic direction contrary to section 53(b) of the Road Traffic Act [Cap 131].
2. The facts in your case are as follows; you are a police officer in the rank of a Sergeant. On the 30<sup>th</sup> of June 2019, you drove a police vehicle to the Fishing Village Market and parked in a no parking place. There are police signs in the area indicating no parking.

### **Aggravating factors**


3. The only aggravating feature here is the fact that you are a police officer. I agree with the prosecutor that as an enforcer of the law, you must be able to abide by legal instructions. It is indeed an embarrassment that

the restrictions on parking at fishing village market were put in place by the police and it was a police officer using a police vehicle who breached those very same restrictions. The law and all legal directions are applicable equally to all people in this country, whether you are a police man or a Magistrate or a public prosecutor or a public defence lawyer.

Mitigating factors

4. In mitigating I take the following factors into account;
5. You pleaded guilty to the charge. You apologised to the police officers when you were caught. You demonstrated remorse.
6. You have no previous convictions.
7. You are 53 years old.
8. I take your personal circumstances into account.
9. I also consider that you have been a police officer for 19 years. Your service and your good work to the people of this country must not be overlooked.
10. I accept your lawyer's submissions that although there is a higher public expectation from you because of your line of duty, you are also a human being. As humans we are all bound to make mistakes and we are all ignorant at times to some extent.
11. I have considered all factors in this case and in my view, it will be too harsh in the circumstances to order a conviction. I do take note that there is an internal disciplinary body within the Royal Solomon Islands Police Force. Other internal disciplinary actions should be imposed in this case.
12. Section 35 of the Penal Code gives me the authority to discharge a defendant without punishment either absolutely or conditionally.

13. I invoke my authority under section 35 and I refuse to enter conviction against this defendant.
14. Having regard to the accused's character and antecedents and the trivial nature of the charge and the extenuating circumstances of the offence, it is my view that ordering a conviction will be too harsh.
15. I order that the defendant is discharged on the following conditions;
- a) His driver's licence is cancelled for a period of 1 year commencing today.
  - b) He is not to drive any motor vehicle (both private and public) for a period of 1 year commencing today.
  - c) His licence is to be surrendered to the authorities within the police force by close of business today the 24<sup>th</sup> of October 2019.
  - d) These orders expire on the 24<sup>th</sup> of October 2020.
16. Right to appeal within 14 days.

  
Ms. Fatimah Taeburi  
Principal Magistrate

