



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

Criminal Case No: 886 of 2020

In the Criminal Jurisdiction

BETWEEN: REGINA

V

AND: SAMSON WASI

Mr Watson Akwai fir Police Prosecutions

Accused self-represented

Date of sentencing submissions: 28th of October 2020

Date of sentence: 2nd of November 2020

SENTENCE

1. Mr Samson Wasi, you were charged with one count of careless and inconsiderate driving, contrary to section 40 (1) of the *Road Transport Act*, one count of presence of alcohol in a person's blood, contrary to section 43A (1) (a) of the *Road Transport Act (as amended by the Police and Transport Legislation) (Amendment) (Alcohol Testing) Act 2016*, one count of drivers to be licensed, contrary to section 20 (1) of the *Road Transport Act* and one count of taking vehicle without authority, contrary to section 59 (1) of the *Road Transport Act*.
2. I read the charge to you on the 29th of September 2020, and recorded guilty pleas for the count of presence of alcohol in a person's blood, and drivers to be licensed. You entered not guilty pleas to the counts of careless and inconsiderate driving, and taking vehicle without authority. We commenced into trial, where I found you guilty and convicted you for both counts.

Maximum penalties

3. The maximum penalties for each of these counts are as follows:
 - (i) Careless and inconsiderate driving: 5000 penalty units or six months imprisonment of both;

- (ii) Presence of alcohol in a person's blood: 10,000 penalty units or twelve months imprisonment or both;
 - (iii) Drivers to be licensed: 5000 penalty units or ~~both~~; and
 - (iv) Taking vehicle without authority 2000 penalty units or three months imprisonment or both.
4. I need not repeat the seriousness involved, since the maximum penalties outlined above speaks volumes that are loud enough in this regard.

Facts

5. The facts of this case arose from the incident that occurred on the 21st of August 2020. You driving a white Hiace bus, bearing the registration number: MC-1536. It was at or about 8:00 pm to 8:58 pm where you were said to be driving at a very high speed along the Mendana Avenue Road. Facts showed how you took over a number of vehicles as you were travelling up the easterly bound lane. At the material time, a Police officer was driving behind the vehicle you were in. You had driven past him opposite the Central Police Station and it was until you reached the round-about next to the Point Cruz Hot Bread Kitchen, that he was able to catch up with you, and further advised that you turn back to the Central Police Station.
6. At the Central Police Station, you were handed over to the Kukum Traffic officers, who made further investigations with respect to the vehicle and other tests usually carried out in such situations. It was then that they found that your driver's license had already expired and that there was presence of alcohol in your blood, which was approximately 0.250%. It was also found that the owner of the vehicle in question, had not given any consent or authority for you to drive the vehicle.

Analysis

7. The offences you are charged with, among those frequently committed under the Road transport Act. This, to some extent, reflects how the general public continues to ignore our traffic laws. Further to this is the question as to whether or not our law enforcement body is consistent in advocating about the unlawfulness of such actions, as well as leading the example for everyone else to follow? On the same note, have the courts stepped up to address the significant increases in traffic offences or not?
8. With respect to the offence of careless and inconsiderate driving, I would say that the public needs to be protected from people like you. Clearly you do not have the basic understanding that all drivers should have, when driving on the roads. You posed lives at risk and sadly seem to have no issue with it. I do not need to remind you that should an accident was to occur from your manner of driving and if lives were to be lost, then you will be the one at a very unfortunate position. Please think carefully and imagine what you could have caused. Had it not for the intervention by Police Constable Jasper Bonnie, then something serious could have happened.
9. I was not told as to why you had to travel at a very high speed, obviously, you were just being totally inconsiderate of other road users. While you did not cause an accident, you placed so many lives at risk, including your own.

10. The level of alcohol in your blood, is another factor that renders your actions to be very serious in nature. I am sure that you are well aware that alcohol is the prime factor behind most of a road accidents. Your failure to learn from other people's mistakes can only mean that you are the sort of person who has no regard for the law and most importantly, the lives of people. I am still finding it difficult to grasp the idea shared by most drivers who tend to think that they can just drive when they know they have been consuming alcohol. The issue in this regard is not about consuming alcohol whilst driving, but the level of alcohol in one's blood. This means that if someone has been drinking someplace else and later drives a vehicle and is found to have a percentage of alcohol in his or her blood that is beyond the prescribed level then he or she shall be guilty of the offence at hand.
11. It is high time that drivers with such mindsets be taught a lesson in order to minimize this act.
12. As for the offence of drivers to be licensed, I would first of all say that none of this would have happened had you not driven the vehicle at all. Just because you know how to drive does not mean you can drive any vehicle on the road. I wonder whether your conscious is at peace when you know that what you are doing is against the law. Your actions clearly demonstrates how ignorant and arrogant you are. There are men and women who try their best to ensure that they only drive if and when they have a valid license.
13. Further to the arrogance shown in the previous count, is that of taking vehicle without authority. The obvious thing in this regard is the minimal respect you have for the owner of the vehicle. First, you drove the vehicle without the owner's consent, second, you placed the vehicle in a position that if there was to be an accident, and damages were to be sustained, then it will be the owner who will bear the costs. Your actions shows how careless you are with other people's property. While there might be reasons on your part for how you acted, I will maintain my position by stating that you are a very careless and ignorant person.
14. This court will not tolerate any of these actions and will ensure that tougher approaches be taken to warn other likeminded offenders from engaging in this regard.
15. This afternoon, I will consider the guilty pleas taken at the earliest opportunity for the offences of presence of alcohol in a person's blood, and drivers to be licensed. Further to this, I will also consider the fact that you are a first time offender, the fact that you are unrepresented and your personal circumstances. I understand that we are amidst a world pandemic, but this is all the more reason for everyone to think carefully before doing things that will no doubt lead you to a far worse situation.
16. the aggravating factors involved can be reflected through the maximum penalties involved, your level of culpability which sits at the upper hand of the seriousness involved, the time of the offending's and the involvement of alcohol.
17. The laws at breach have been in existence for quite some time, hence the need for strict and tougher approaches to be taken by the courts in this regard.
18. As always, cases will be determined based on their facts and circumstances.
19. To ensure that the public interest is protected, I will send a message of both ~~specific~~ and general deterrence to you and the general public. Further to this, I will also ensure that the

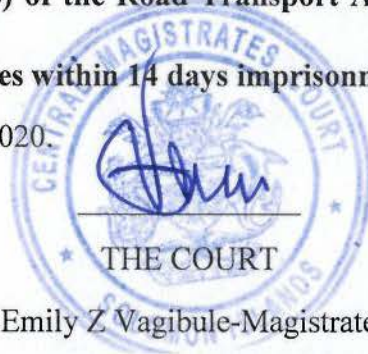
sentence I will impose, is one that reflects the need for rehabilitation, prevention and retribution.

20. With the circumstances involved, I am of the view that the most appropriate sentence I should impose, is one of a fine. Hence having assessed the entirety of the matter, I now order as follows:

ORDERS

- (i) **Count 1: careless and inconsiderate driving, a fine of SBDS\$1700.00 due by 31/12/2020, in default 3 months imprisonment;**
- (ii) **Count 2; presence of alcohol in a person's blood: SBDS\$3000.00 due by 31/12/2020, in default 6 months imprisonment;**
- (iii) **Count 3: drivers to be licensed: SBDS\$1500.00 due by 31/12/2020, in default 2 months imprisonment; and**
- (iv) **Count 4: taking vehicle without authority: SBDS\$1000.00, in default 40 days imprisonment.**
- (v) **A total fine of SBDS\$7200.00 due by the 31st of December 2020, in default 12 months imprisonment.**
- (vi) **Section 29 (1) and (8) of the Road Transport Act is invoked for a period of 12 months.**
- (vii) **Right of appeal applies within 14 days imprisonment.**

Dated this 2nd day of November 2020.



Emily Z Vagibule-Magistrate