

IN THE CENTRAL MAGISTRATES COURT
IN THE SOLOMON ISLANDS

Criminal Case No: 115 of 2020

In the Criminal Jurisdiction

BETWEEN: REGINA

AND: ROBERT ULASI (1ST DEFENDANT)

ABEL KEMAKUA (2ND DEFENDANT)

Ms Florence Hiroshachi for Prosecution

The Defendant Robert Ulasi appearing for himself

Date of Hearing: 18th of February

Date of Sentence: 19th of February 2020

SENTENCE

1. The Defendant, Robert Ulasi, was charged for one count of driving without a valid driver's license. He entered a guilty plea when the charge was read to him on the 18th of February 2020.
2. The offence of driving without a driver's licence is one that carries a maximum penalty of 5000 penalty units (\$5000.00) or six months imprisonment or both¹.
3. Despite carrying a maximum penalty of 5000 penalty units or six months imprisonment or both, this is one of the offences that is committed on a regular basis. Despite the warnings and sentences issued and given by both the Court and officers at the Kukum Traffic Centre, members of the public are still engaging in this unlawful act.
4. Now a day's people think that as long as they can drive, they can just drive any vehicle on the road. Such action is a total reflection of ones disregard and disrespect towards the existing laws of this country. It only requires common sense to note that such actions may be against the law.
5. Following his arrest, it was found that his driving license had long expired since the 5th of April 2019. With this piece of evidence, I have every reason to believe that Mr Ulasi had ignored the need to have his driving license renewed for a period of nine months. Despite given the chance to explain the reason behind his wrongdoing, there were no answers that showed any sense of urgency warranting his actions.
6. In this regard, I would say that ignorance of the law is never an excuse. One should note that if he or she continuously becomes

¹ Section 20 (4) of the Road Transport Act as Amended by the Penalties and Miscellaneous Amendment Act of 2009


ignorant of the law then they should not make any excuses when they are tried before a court of law.

7. From the case at hand, I will consider Mr Ulasi's early guilty plea, the fact that he is a first time offender, the fact that he is unrepresented as well as his cooperation to turn up in court on the day his matter was called.
8. I also note that the offence at hand is one that carries a maximum penalty of 5000 penalty units or six months imprisonment or both. This alone should be an indication of the seriousness involved. The Defendant's failure to have his license renewed and his unlawful act of driving on the road for over nine months in my view are aggravating in nature.
9. In their sentencing submissions, prosecution had asked the court to consider a sentence of fine ranging from \$1000 to \$2000 with a starting point of \$1500.
10. In terms of sentence, I also join with my Brother Magistrate Aulanga in acknowledging the fact that the Road Transport Act does not provide any specific guidelines as to whether a sentence of fine should be considered first before a custodial sentence as was highlighted in the case of *Regina v Soniluvu*².
11. Having said this and having weighed the merits of this case, I will agree with a sentence of fine, however, the range I will pursue is one from \$2000 to \$3000, with \$2000 as a starting point.
12. From this amount, a total of \$750 is reduced for the mitigating factors I have highlighted. This brings us to the amount of \$1250 which is further added with the amount of \$500 for the aggravating factors highlighted.
13. With this, I am of the view that the appropriate sentence I should impose on the Defendant, Robert Ulasi, for purposes of **personal deterrence, rehabilitation and retribution** is:

ORDER

- (i) A fine of **\$1750**, which is due by the 21st of February 2020;
- (ii) In default of this payment, Defendant is to serve 2 months imprisonment; and
- (iii) Right of appeal applies.

Dated this 19th day of February 2020.



THE COURT

EMILY Z VAGIBULE-MAGISTRATE

² [2016] SBMC 25; Criminal Case 613 of 2016 (27 September 2016)