

**In the Central Magistrate's Court
Of Solomon Islands**

Criminal Case No: 272 of 2022

REGINA

V

CHARLES WADE

Date of Ruling: 1st December 2022

Mr. Maelanga for the Crown

Ms. Kukura for the accused

SENTENCE

PM Taeburi,

1. The defendant Charles WADE pleaded guilty to one count of simple larceny contrary to section 261(1) of the Penal Code.
2. The facts of the case are that, the complainant left his car unlocked on a particular night. The defendant and some of his friends were drinking that same night. They walked past the complainant's car and noticed that it was not locked. They took the opportunity. They opened the car and stole a car battery, a car stereo, and an amp. The complainant reported the theft to the police and all the items were recovered the next day.
3. I enter conviction against the accused.
4. The fact that they committed the theft at night time is an aggravating factor. At night people are asleep and cannot be expected to be on their guard. The prisoner and his group stole from the complainant at the very vulnerable time.
5. The fact that the theft was committed by a group of boys is also aggravating. In my view, the possible damages and injuries to man or property, would be more serious if a group was involved in the commission of an offence.
6. I take into account the following mitigating factors;

- a) He pleaded guilty. As stated in many cases authorities, a guilty plea would normally attract a reduction in the sentence that should have been imposed otherwise. (*See Gere v Regina*).¹ I give the due credit to this convict.
 - b) I consider that the car was not locked and that the prisoner and his group took the opportunity to steal. It means that there was no forced entry in the car. It also means that there was no pre-planning. The opportunity to steal presented itself and they took it.
 - c) I consider that the properties stolen were recovered. This means that the complainant does not suffer any actual loss.
 - d) The prisoner has no previous convictions. He is also a very young man. I consider his personal circumstances.
7. The maximum penalty for the offence of simple larceny is 5 years imprisonment as provided in the general punishment for theft in section 261(1) of the Penal Code.²
 8. I refer to the case of *Regina v Tata*, where one of the accused was convicted on one count of simple larceny and was sentenced to 12 months imprisonment. He pleaded guilty. He was a first time offender. He stole \$300 and it was not recovered. Tata was also convicted on another charge. The High Court in *Tata* said that the sentencing range for simple larceny offences is 18 months imprisonment to suspended sentence.
 9. In this case, I was told that the prisoner has spent about 1 month in custody for this charge.
 10. After considering all circumstances in the case, the court orders as follows;

11. ORDERS:

- i. **Charles WADE is convicted on one count of simple larceny contrary to section 261(1) of the Penal Code.**
 - ii. **He is sentenced to 6 months imprisonment.**
 - iii. **This sentence includes the time spent in custody in relation to this charge.**
12. Right to appeal within 14 days.

Dated this 1st Day of December 2022

Principal Magistrate  Me'ere Taeburi

¹ *Gere v Regina* [2005] SBHC 34; HCSI –CRAC 243 of 2004 (4 February 2005)

² Section 261(1) Penal Code [Cap 26]