

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

Criminal Case No:

382 of 2023



REGINA

V

DERRICK GANI AND DENNELSON KETEAU

Date of Hearing: 12th April 2023

Date of Ruling: 14th April 2023

Police Prosecutor Mr. Palmer for the Crown

Counsel Ms. Sikua for the accused.

SENTENCE

PM Taeburi,

1. This is a case involving a father and a son intimidating and assaulting a member of their extended family. The two accused persons are Derrick Gani and Dennelson Keteau. Derrick is Dennelson's father. James Toata (the complainant) is Dennelson's uncle because he is the brother of Dennelson's mother.
2. The facts of the case are that Derrick and Dennelson intimidated and assaulted James (the complainant) on the 23rd of July 2022 at Gilbert Camp in Honiara. Derrick tried to hit James with a stone at first but it missed. Derrick then instructed Dennelson to get a knife so that he cut James. That did not happen as well because Dennelson refused. Derrick then chased James and his family out of the house. Out of fear the family left. Dennelson was with his father Derrick the whole time.
3. The police charged them with the offence of intimidation and molestation under section 231(1) of the Penal Code and common assault under section 244 of the same Code. They are also charged jointly under section 21(a) of the Penal Code because they acted together.
4. They pleaded guilty to the charges against them on the 12th of April 2023. They are now here to be sentenced by this Court.

5. In sentencing them I must firstly say that being a father, I think Derrick was acting very irresponsibly on this occasion. As the father, Derrick should have known better than to lead his own son to assault and intimidate other people. Not only did he lead his own son to commit criminal offences but he even went further and instructed his son to take a knife so that he can cut the complainant. I accept that there is no perfect parent in the world, but we must all learn to ask guidance from God on how to teach our children. We must teach them to distinguish between good and bad.
6. In sentencing them, I also consider the fact that they caused fear to members of the family and had chased not one person but the whole family out of the house. I consider the inconvenience caused on this family.
7. I take into account the fact that the defendants were drunk when they committed these offences. They were also persistent in their actions. First Derrick tried to hit James with a stone. He then instructed Dennelson to take a knife so that he cut James. As if that was not enough, they chased the family out of the house.
8. I also think that there was pre-meditation here. They were angry at the family about some rumours. They went together to the family's house and committed violence. Clearly they have had some prior discussions and understanding between to intimidate James and his family.
9. In mitigating I consider that they both pleaded guilty. They are both first time offenders. I consider their personal circumstances. Derrick is a 38 years old man from Malaita. Dennelson, his son is 19 years old. There are three children altogether in the family. Dennelson is the first born.
10. I take into account the fact that they have spent some time in custody for these offences. The court's records show that they were arrested on warrants of arrest and placed in custody on the 28th of January 2023. They have been remanded in custody at Rove ever since.
11. They have reconciled in custom with James. There is undisputed evidence that they have paid an amount of \$400 in cash and one shell money (*tafulia*) to the complainant. The compensation paid here shows genuine remorse on the part of the accused persons. It also repairs the relationship between the two accused and the complainant's family. Given that this is a domestic matter between close family members, reconciliation in custom is encouraged because it ensures that there is peaceful co-existence. Having said that, I must repeat the sentiments expressed by the Court in the case of *Regina v Asuana*, where it was stated, "**..any custom compensation must be considered by the court in assessing sentence as a mitigating fact but it is limited in its value. The court must avoid attaching such weight to it that it appears to be a means of subsequently buying yourself out of trouble.**"¹

¹ *Regina v Asuana* [1990] SBHC 106; [1990] SILR 201 (12 October 1990)

12. I have considered the cases submitted by parties, I have also considered the maximum penalties for the offences committed.

13. In the circumstances of this case, I make these following orders;

14. ORDERS;

Derrick Gani

- i. **Derrick Gani is convicted on both counts;**
- ii. **He is sentenced as follows;**
 - a) **Count 1 – 3 months imprisonment;**
 - b) **Count 2 – 3 months imprisonment;**
- iii. **Both sentences are to be served concurrently;**
- iv. **Derrick Gani is bound over to be of good behaviour for 1 year in his own recognisance and in the sum of \$300;**

Dennelson Keteau

- v. **Dennelson Keteau is convicted on both counts;**
- vi. **He is sentenced as follows;**
 - a) **Count 1 – 2 months imprisonment;**
 - b) **Count 2 – 2 months imprisonment;**
- vii. **Both sentences are to be served concurrently;**
- viii. **Dennelson Keteau is bound over to be of good behaviour for 1 year in his own recognisance and in the sum of \$300;**
- ix. **Both prisoners have served their time in prison. I therefore order that they are both released at the rising of the court.**

15. Right to appeal within 14 days.

Dated this 14th Day of April 2023



Principal Magistrate: Ms. Fatimah Me'ere Taeburi