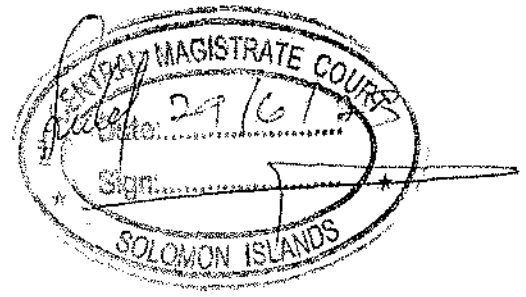


In the Central Magistrate's Court  
Of Solomon Islands



Criminal Case No:

518 of 2023

REGINA

V

JUNIOR MOSTYN MAENU'U

Ms. Mutukera (DPP) for the Crown  
Ms. Rusi (PSO) for the accused person

Date of Hearing: 29<sup>th</sup> July 2023

Date of Sentence: 29<sup>th</sup> July 2023

**Ruling on application to remand and application for bail**

PM Taeburi,

1. This defendant is charged with six counts – wilful and unlawful damage, possession of weapon, threatening behaviour, using abusive words, assault causing actual bodily harm and intimidation respectively.
2. The allegations against him are that on three separate occasions, he and others (uncharged), committed the six offences against three separate complainants. In the first incident, it is alleged that the defendant and others intimidated and attacked the complainant Zane and took away the complainant's vehicle. When the vehicle was returned, one of the glasses to the vehicle was damaged and items inside the vehicle were missing. This incident gave rise to count 1.
3. In the second incident, the prosecution alleges that the defendant alone threatened another person by the name of Mike Faddi in a public place. The crown says that he was armed with a bush knife. This incident gave rise to counts 2, 3 and 4.
4. In a third incident, the crown says that he and others who were all masked, threw weapons, containing petrol at the complainant Mike Faddi, his wife and others. The defendant and his group again threatened and intimidated the complainant. One of the

- substances thrown by the defendant and his group caused burns to the complainant's leg and caused injuries.
5. From the charges, it is clear that the incidents occurred in December 2022, May 2023 and June 2023.
  6. In this application, the crown argues that the court should order for the accused to be remanded in custody. The basis of the argument is that, the allegations are serious, there is a risk of interference, risk of flight, risk of re-offending and that there is also a risk to the safety of the defendant.
  7. The defendant argued that he is a good candidate for bail. He has been faithfully complying with bail conditions in the past during his previous cases in this courts. He has proposed a surety, who is his biological sister. He submits that he has children under his care who are fully dependent on him. He proposed to be released on a cash bail of \$2500 and a principal surety bail of \$1000.
  8. After considering all factors in this application, I think that serious considerations must be given to the issue of whether or not there is a risk that this defendant will re-offend if released on bail.
  9. I specifically asked the question as to whether or not the defendant has a previous conviction, the answer to which was in the affirmative. I then specifically asked if there is proof of any such previous convictions. The prosecutor tendered the defendant's "Identification and Antecedents Check Sheet", which shows that the defendant has two prior convictions in 2020 and 2022. He has been convicted for criminal offences on both occasions in the Magistrate's Court. In 2020 he was convicted for going armed in public. In 2022 he was convicted for discharging a firearm in a public place.
  10. Based on this evidence, I am satisfied on the balance of probabilities that there is indeed a risk of re-offending. The offences for which he has been previously convicted are related to the use of weapon. In these current charges, he is also alleged to have used weapons. The past cases and the current one are therefore similar in nature. Not only do they involve weapons, but there is also the element of violence and aggression in the previous cases and in the present one.
  11. The latest entry in his criminal record was just entered last year in 2022. I am not convinced that this a person who will respect and obey court's orders if he is to be released on bail.
  12. On the ground of risk of re-offending alone, I refuse the application for bail and I order for the defendant's remand for 14 days.
  13. Case adjourned 11<sup>th</sup> August 2023, 9.30am for mention.

14. Right to appeal within 14 days.

Dated this 29<sup>th</sup> July 2023



Principal Magistrate – Ms. Fatimah Me ere Taeburi

