

**IN THE CENTRAL DISTRICT MAGISTRATES' COURT – AT
HONIARA**

Criminal Jurisdiction

Criminal Case No.: 102 of 2024

On the 17th day of June 2024
Before Deputy Chief Magistrate Ricky Rongomea

Mr. Tebakota for the Prosecution (Police)
Ms. Palmer for the Accused.

REX

-v-

JUNIOR ROLLIN

SENTENCE

The accused, Junior Rollin has pleaded guilty to a single count of possession of firearm without license, contrary to section 5 (2) (a) of the Firearm and Ammunition Act. He pleaded guilty to that charge. Today is for the Court to impose sentence on him.

The facts

On Thursday, 22 February 2024, Tulagi Police received a report of disturbances caused by a group of men from Malaita at Bonala village, Savo Island. These men were reportedly armed with weapons including axes and knives.

Following this report, on Friday, 23 February 2024, Staff Sergeant Linda Iro requested the assistance of the Police Response Team (PRT) to address the situation.

On Saturday, 24 February 2024, PRT officers, along with Tulagi CID officers, went to Savo Island and apprehended nine suspects at Mora village, one of whom was Junior Rollin. During the arrest, a home-made firearm was found concealed in Junior Rollin's shoe.

During his interview on 26 February 2024, he admitted to possessing the firearm at that time. Upon inspection on 27 February 2024, it was confirmed that the home-made firearm had all the necessary components to be classified as a firearm, although it was not loaded at the time.

Maximum penalty

The maximum penalties for possession of firearm, contrary to Section 5 (2) (a) of the Firearm and Ammunition Act is prescribed under Section 5 (1) (2) (a) (i) (ii) of the Firearm and Ammunition Act.

5.—(1) Subject to the provisions of this Act, no person shall purchase, acquire or have in his possession any firearm or ammunition unless he holds a firearm licence in force at the time.



(2) If any person—

(a) purchases, acquires or **has in his possession any firearm** or ammunition without holding a firearm licence in force at the time, or otherwise than as authorised by such a licence, or, in the case of ammunition, in quantities in excess of those so authorised; or

(b) fails to comply with any condition subject to which a firearm licence is held by him, he shall, subject to the provisions of this Act, be guilty of an offence and liable—

(i) if the offence was committed in a prohibited area to a fine of five thousand dollars or to imprisonment for ten years, or to both such fine and such imprisonment;

(ii) if the offence was committed elsewhere, to a fine of three thousand dollars or to imprisonment for five years or to both such fine and such imprisonment.

I am satisfied that the offence was committed in a non-prohibited area. The applicable maximum penalty is a fine of three thousand dollars or to imprisonment for five years, or to both such fine and such imprisonment. It is well-established that the maximum penalty is reserved for the worst type of cases. In the present case, the circumstances do not warrant imposition of the maximum penalty.

Aggravating factors

First, the firearm was not a standard, regulated weapon but a home-made one, which can be more dangerous due to the potential for malfunction or misuse.

Second, the possession occurred in the context of a reported disturbance involving a group of men armed with weapons. This suggests a heightened risk of violence and public disorder. It also suggests the possession was pre-planned.

Thirdly, the firearm was concealed in his show, indicating an intention to hide the weapon, which suggests awareness of its illegality and a possible intent to use it undetected.

Principle of deterrence

The principle of deterrence is an important consideration in the present case. A deterrent sentence for the offence of possession of firearm is considered necessary for several reasons:

One is Public Safety. Firearms pose a significant risk to public safety. Possession of a firearm, especially illegally, can lead to violent crimes and endanger the lives of citizens. A strong deterrent sentence aims to reduce the number of firearms, including home-made ones, in circulation and, by extension, the potential for violent incidents.

Secondly, by imposing an appropriate custodial sentence for firearm possession, the court aims to discourage individuals from obtaining, manufacturing and carrying firearms. A deterrent sentence serves as a warning to would-be offenders that if they choose to engage in similar offending in the future, they would meet serious consequences.

Thirdly, firearms in the hands of civilians, particularly those with criminal intent, pose a direct threat to law enforcement officers. Thus, appropriate penalties for this type of offence can help reduce the number of dangerous encounters between police and armed individuals.

Mitigating factors

The only mitigating factors in this case are that the Defendant has pleaded guilty to the charge and that he is a first-time offender. His plea indicates remorse on his part for the offence and secondly, his willingness to accept responsibility for his action and face the consequences.

He is a first-time offender because he has no previous Criminal convictions recorded against his name. This suggests that he has not been in conflict with the law for the past years of his life until this present offending for which, he is now convicted.

Personal Circumstances

I also take note of the Defendant's personal circumstances. He is 28 years old and is married. This Court was told that he has five children; ages twelve, nine, six, three and one. The Court heard that he did not go through any formal education. Counsel informed the Court that prior to his arrest, the Defendant worked at East Guadalcanal by cutting and milling timber. He owns five chainsaws and employs about ten people. They cut timbers for orders. Counsel submitted that he is the sole-breadwinner of his family.

The personal circumstances suggest that he has a family with young children who depend on him for their survival and support. They have certainly been impacted by the absence of their father due to his detention in prison. This is unfortunate for his children. He should have considered the consequences of following his relatives to Savo Island. He did not, and therefore, he alone must take the blame for any hardship his family is facing due to his incarceration.

Comparative sentences

Comparative cases are important in sentencing considerations for several reasons: They help ensure that similar offences receive similar sentences, promoting fairness and reducing disparities in sentencing. Secondly, past cases serve as guidelines to judges and magistrate when deciding sentences. Thirdly, they provide a benchmark against which the severity of the current case can be measured. Ensure that a proposed sentence is proportional to the offence committed and finally, they offer practical guidance on the application of sentencing laws and principles.

Counsel for the Defence has submitted some helpful case precedents on sentencings on similar offences for the Court to consider. One of which is the case of *Regina v Houasia*.¹ The Crown appealed a sentence imposed in the Magistrates' Court for the offence of possession of firearm. The Magistrates' Court sentenced the accused to a fine of \$700. He was drunk when police found him in possession of a pump action gun. The mitigating factors in that case were; the accused was a first-time offender, unemployed, married with three children, that the firearm did not belong to him and that he entered a guilty plea. The aggravating factor in that case was that the circumstances in which he was found with the weapon was of serious concern. He was drunk or under the influence of alcohol and had no reason to carry it in his possession. Palmer ACJ, as he then was, also remarked that those prosecuted for firearm offences must face custodial sentences. His Lordship deemed a custodial sentence appropriate, thus quashing the sentence imposed by the Magistrates' Court for being manifestly inadequate and substituting it with a six-month custodial sentence.

¹ Regina v Houasia [2001] 140; HC-CRC 207 of 2001 (17 September 2001) per Palmer ACJ.

This case provides practical guidance on the approach to be taken when deciding the sentence to be imposed. His Lordship stated that those prosecuted for firearm offences must be prepared to face custodial sentences.

Sentence orders.

Considering the circumstances surrounding the possession of the homemade firearm, the aggravating factors, the need for deterrence, the plea of guilty, the Defendant's lack of previous convictions, and his personal circumstances, I hereby sentence the Defendant to an immediate custodial penalty of eight months' imprisonment. I believe this is the appropriate sentence for this case.

This sentence is back-dated to commence on when he was first remanded at the Rove Correctional Facility.

The Court,


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Ricky Rongomea
Deputy Chief Magistrate.

