



IN THE CENTRAL MAGISTRATES COURT OF SOLOMON ISLANDS

(Criminal Jurisdiction)

Criminal Case No: 14 of 2025 and No: 15 of 2025

REGINA-V-RICHARD RIA

Before: HOLLISON F (PRINCIPAL MAGISTRATE)

Appearances:

Ms Irene Mae Bosokuru, Senior Legal Officer, Office of the Director of Public Prosecutions, for the Crown

Mr Thompson Fiuga, Senior Legal Officer, Public Solicitors Office, for the Defendant

Date of sentencing: 7th March 2025

Notice: This copy of the Court's Reasons for Judgment/Sentence is subject to formal revision prior to publication.

SENTENCE

Introduction

1. The defendant Richard Ria, 34, pleaded guilty to one count of Malicious injuries contrary to section 326 (1) of the *Penal Code* [Cap 26] in the criminal case number 14 of 2025, another count of Malicious Injuries contrary to section 326 (1) of the *Penal Code* [Cap 26] and one count of Arson contrary to section 319(a) of the *Penal Code* [Cap 26] in the criminal case number 15 of 2025. These two cases are about a defendant who has displayed extreme disrespect towards his parents by damaging their properties such as a 40 horsepower engine, a water tank, and setting fire to their kitchen that partially destroyed it. These two matters are consolidated as they deal with the same defendant. I now convict the defendant based on the pleas entered.

Facts

2. The complainant in this matter is John Uboro, 69, from Soka Village, Beta Island, Buena Vesta Islands, Central Islands Province. He is the biological father of the defendant and the defendant is his third born son.

Count 1: Malicious Injuries in Criminal Case No: 14 of 2025

3. On the 14th November 2024, on Beta Island between 1800hrs to 1900hrs, the complainant and his wife were at home when the defendant swore at them. He shot the complainant with a stone.
4. The defendant then held a bush knife from his house and walked aggressively towards the 40-horsepower Yamaha outboard motor that was hanging at the sea side and damage the engine's pull start handle (puller) with the knife.

5. The complainant tried to calm the defendant down by talking to him but the defendant aggressively lifted an axe with his right hand and struck the engine head cover causing damage to the engine.
6. The engine sustained damages on its puller and the head cover, and is currently not in use as it is no longer sea worthy. The damage is valued at SBD 1000.
7. After damaging the engine, the defendant then told the complainant that the second thing he would do is to set fire to all the houses inside that area.
8. The complainant felt threatened by the actions of the defendant and reported the first matter to the police.

Count 2: Malicious Injuries contrary to section 326(1) of the Penal Code [Cap 26] & Count 3: Arson contrary to section 319 of the Penal Code [Cap 26] in Criminal Case No 15 of 2025.

9. On the 13th January 2025, around 1350hrs (1:50pm) in the afternoon, the victim was at his dwelling house when his son the defendant paddled ashore on his dugout canoe from Nagotano.
10. The victim only realised his kitchen was on fire when he saw the accused beside the kitchen. The defendant was holding a bundle of dry leaves of coconut that he tied together to set fire to the kitchen.
11. The victim immediately walked towards the kitchen approximately 15 meters away from his dwelling house with a bucket of water attempting to put out the fire. The victim was assisted by his first-born son, John Palmer Uboro, and they managed to put out the fire limiting the damage to one side of the roof of the kitchen.
12. The kitchen was constructed from sago palm leaves and other 'bush' materials.
13. The estimated amount of damage is \$ 500.
14. After setting fire to the kitchen, the defendant then proceeded to the water tank where he used an axe to cut through the middle of the tank. The tank is a green coloured Rotomould tank valued at \$ 5000 funded by the Member of Parliament for their constituency.
15. The estimated cost to repair the tank is \$300.
16. On the same day around 7:30pm in the night, the defendant took a tool resembling an axe, and aggressively walked towards the same engine mentioned in count 1. He intended to further damage the same 40 horsepower Yamaha engine that had been damaged in the first incident in November 2024. The defendant's brother, John Palmer, intervened and avoided any further destruction.
17. The immediate family members including his father felt threatened by the continuous criminal actions of the defendant and reported the matter to the Tulagi Police.
18. The defendant was subsequently apprehended and taken to the Tulagi Police Station where he was formally arrested. During the interview, the defendant admitted to committing the offences.

Discussion and Analysis

Sentencing Principles.

19. The sentencing principles such as punishment, retribution, deterrence and rehabilitation must always be considered in the formulation of any sentence.

Count 1: Malicious injuries contrary to section 326(1) of the Penal Code [Cap 26]

20. The maximum penalty for malicious injuries is 2 years imprisonment.¹
21. There are a number of sentencing options for the offence of malicious damage or injuries such as custodial sentences, suspended sentences, penalty fines, bound-over and even a discharge. However, each case must be determined according to its own unique sets of facts.
22. There are a number of aggravating features in this incident. Apparently, the use of weapons is one of them. He used a knife to damage the puller of the engine. He then used an axe to further occasion a damage on the cover of the engine.
23. He disrespected his father who tried to calm him down. He even stoned his father with a stone.
24. He threatened his father and his family that he would burn down the houses in their area.
25. The damage sustained by the engine is valued at \$1000 which adds extra financial burden on the complainant. I also take note that the cost of a new 40 horsepower engine cost thousands of dollars and is not cheap.

Comparative sentences:

26. In *Ghele v Reginam* [2004] SBHC 38; HC-CRAC 169 of 2004 (6 May 2004)², the defendant was sentenced to 18 months imprisonment and the value of the damages in that case was very serious compared to this present case.
27. In *Regina v Wanefalea* [1992] SBHC 62; HCSI-CRC 13 of 1992 (27 May 1992)³, the defendant was sentenced for a number of offences including malicious damage. In that case, the defendant plunged the knife into two fibre-glass canoes damaging them. He was sentenced to four months each for the two counts of malicious damage, which were served concurrently with the more serious charge of armed robbery for two and half years.
28. In *Regina v Sukulu* [2017] SBMC 55; Criminal Case 873 of 2017 (30 October 2017)⁴, the defendant was sentenced to four months imprisonment for wilful and malicious damage contrary to section 326(1) of the *Penal Code* [Cap 26]. The properties damaged were as follows: a 2 feet light bulb valued at \$250, 2 buckets valued at \$156 and a wheel barrow valued at \$450.

¹ *Penal Code* [Cap 26], s 326(1): Any person who wilfully and unlawfully destroys or damages any property is guilty of an offence, which, unless otherwise stated, is a misdemeanour, and he shall be liable, if no other punishment is provided, to imprisonment for two years.

² *Ghele v Reginam* [2004] SBHC 38; HC-CRAC 169 of 2004 (6 May 2004)

³ *Regina v Wanefalea* [1992] SBHC 62; HCSI-CRC 13 of 1992 (27 May 1992)

⁴ *Regina v Sukulu* [2017] SBMC 55; Criminal Case 873 of 2017 (30 October 2017)

29. In *Regina-v-Goro* [2016] SBMC 24; Criminal Case 1277 of 2015 (15 September 2016)⁵, the defendant pulled down the verandah and the walling of the victim's house. He was sentenced to five (5) months imprisonment each for the two counts of malicious damage contrary to section 326(1) of the *Penal Code [Cap 26]*. The Court imposed a total sentence of 2 years and 2 months imprisonment which included other offences combined with the malicious damage.
30. I have considered the circumstances of this case and it is more comparable to *Wanefalea*⁶, *Sukulu*⁷, and *Goro*⁸ although the facts are not exactly the same. In my opinion, an imprisonment between 4 and 8 months should be appropriate for this present case.

Starting point

31. A starting point of 12 months' imprisonment should be appropriate.
32. I add 2 months to reflect the aggravating features.

Mitigating factors:

33. I take into account the early guilty plea, remorse, first time offender, circumstances of the offending, and the personal circumstances of the defendant including the fact that he is a father and husband, and I deduct 8 months from the 14 months.
34. Therefore, I am satisfied that the sentence for the first count of malicious injuries is 6 months imprisonment which reflects its severity.

Count 2: Malicious injuries contrary to section 326(1) of the *Penal Code [Cap 26]*

Starting point

35. For the second count of malicious injuries, I adopt a similar starting point of 12 months' imprisonment.
36. I note the aggravating features such as the use of a weapon to cut the water tank and the value of the damages sustained. For a small Island like Beta, water tanks are crucial to store and provide clean water to the villagers. I add another 2 months to reflect the aggravating features.

Mitigating factors

37. I take into account the early guilty plea, remorse, first-time offender, circumstances of the offending, and the personal circumstances of the defendant including the fact that he is a father and husband, and I deduct 8 months from the 14 months.
38. Therefore, the sentence for the second count of malicious injuries is 6 months imprisonment.

⁵ *Regina-v-Goro* [2016] SBMC 24; Criminal Case 1277 of 2015 (15 September 2016)

⁶ *Regina v Wanefalea* [1992] SBHC 62; HCSI-CRC 13 of 1992 (27 May 1992);

⁷ *Regina v Sukulu* [2017] SBMC 55; Criminal Case 873 of 2017 (30 October 2017)

⁸ *Regina-v-Goro* [2016] SBMC 24; Criminal Case 1277 of 2015 (15 September 2016)

Count 3: Arson contrary to section 319(a) of the Penal Code [Cap 26]

39. The maximum sentence for the offence of arson is life imprisonment⁹ which is one of the most serious offences in this jurisdiction apart from murder, burglary, rape and other very serious offences.
40. The aggravating features in this case are as follows: the commission of the offence of arson along with another offence, that is, malicious injuries, the destruction to parts of the kitchen, the value of the loss is estimated at \$500 which is a big money in the rural context in Solomon Islands, and the fear inflicted upon the complainant and other family members.

Comparative Sentences.

41. In *Oli v Regina* [2008] SBHC 43; HCSI-CRAC 124 of 2008 (29 August 2008)¹⁰, the appellant on the 11th of April 2008 was convicted on the plea of guilty to seven counts of arson, contrary to section 319 of the *Penal Code*. The total sentence was 7 years imprisonment. The appellant appealed the sentence on the basis that it was too excessive. The facts of the case included the torching of six dwelling houses and a kindergarten class room. The High Court agreed that a total of 7 years imprisonment was manifestly excessive and imposed 2 years imprisonment for 6 counts and 2 ½ years for the remaining count which were ordered to be served concurrently.
42. In *Isa v Regina* [2012] SBHC 125; HCSI-CRC 508 of 2011 (22 October 2012)¹¹, the Appellant was sentenced to 15 months for one count of Assault occasioning bodily harm and 4 years imprisonment for one count of arson, both were made cumulative which gave a total of 5 years and 3 months imprisonment. The High Court although did not alter the initial sentences imposed in the magistrates court, however, partially allowed the appeal and ordered that both sentences should be served concurrently giving a total of 4 years imprisonment. The arson charge involved the burning of the dwelling house of the victims. The aggravating features associated with the commission of the offence, included the use of alcohol and being armed in public. His Lordship Palmer CJ described the sentence of 4 years as "...justified in all the circumstances and couldn't even be described as excessive in the circumstances."
43. In *Regina v Feman* [2018] SBMC 11; Criminal Case 260 of 2016 (9 May 2018)¹²; it involved the burning of a kitchen and the defendant was sentenced to two years imprisonment but a

⁹ *Penal Code* [Cap 26], s319(a): Any person who wilfully and unlawfully sets fire to -(a) any building or structure whatever, whether completed or not...is guilty of a felony, and shall be liable to imprisonment for life.

¹⁰ *Oli v Regina* [2008] SBHC 43; HCSI-CRAC 124 of 2008 (29 August 2008)

¹¹ *Isa v Regina* [2012] SBHC 125; HCSI-CRC 508 of 2011 (22 October 2012)

¹² *Regina v Feman* [2018] SBMC 11; Criminal Case 260 of 2016 (9 May 2018);

further 1 year was deducted from that two years imprisonment term because of substantial delay.¹³

44. In *R v Bitana* [2020] SBMC 8; Criminal Case 100 of 2019 (1 April 2020)¹⁴, the incident occurred on the 28th September 2019 at around 7pm. The accused was drunk and he walked to the complainant's house with a burning firewood and set fire to the kitchen. The victim was inside the house sleeping and the heat woke him up. The victim was rescued by two of his relatives. The defendant was sentenced to 2 years and 9 months imprisonment.
45. In *Regina v Rere* [2017] SBMC 48; Criminal Case 258 of 2016 (4 October 2017)¹⁵, the defendant was sentenced to 5 years imprisonment each for the 5 counts of arson contrary to section 319 of the *Penal Code* which were ordered to be served concurrently giving a total of 5 years imprisonment. The facts of the case involved the burning of 5 buildings at the Windridge settlement on the 17th of April 2016. A further 1 year was deducted from the 5 years imprisonment giving a total sentence of 4 years imprisonment.
46. Most of the case authorities referred to above are more serious than the present case as there was no life at risk at the material time and the value of the damage is only \$500. Thus, this case should attract an imprisonment of less than 2 years or even around 1 year. However, focusing too much on the economic value of the property may not reflect the entire seriousness of the offence. A kitchen that was built using traditional materials (sago palm leaves) has sentimental and cultural values to those who are using it. It represents life in the rural Solomon Islands because that is where people prepare their food to sustain their lives. The trivialization of the offence of arson solely because of the economic value of a house should be avoided as much possible as for some people, a thatched-house (*leaf haus*) is their castle and home even if it's just a kitchen.

Starting Point

47. After having considered the relevant factors and the circumstances of the present case, I am of the view that a starting point of 24 months' imprisonment (2 years) is appropriate for this present case. I add another 2 months to the starting point giving a total of 26 months to reflect the aggravating factors.

Mitigating factors

48. I take into account the early guilty plea, remorse demonstrated, first time offender, personal circumstances of the defendant as being a father and husband, and his chances of rehabilitation, and I deduct 14 months to reflect all the mitigating circumstances.
49. Thus, the final sentence for the offence of arson is 12 months' imprisonment and I am satisfied that it is proportionate to the gravity of the offence.

¹³ *Regina v Feman* [2018] SBMC 11; Criminal Case 260 of 2016 (9 May 2018);

¹⁴ *R v Bitana* [2020] SBMC 8; Criminal Case 100 of 2019 (1 April 2020)

¹⁵ *Regina v Rere* [2017] SBMC 48; Criminal Case 258 of 2016 (4 October 2017)

Conclusion

50. Having said that, I now sentence the defendant to 6 months imprisonment each for the two counts of malicious damage contrary to section 326 (1) of the *Penal Code* [Cap 26], and 12 months imprisonment for the one count of arson contrary to section 319(a) of the *Penal Code* [Cap 26].
51. I take note of the totality principle and adopt the reasoning enunciated in *Abana v R* [2024] SBCA 10; SICOA-CRAC 40 of 2023 (31 May 2024) that the sentences for a serious of offences against the same person even though occurring over a lengthy period of time should be made concurrent.¹⁶
52. It follows that the sentences in both cases should be made to run concurrent which means that the total sentence is 12 months (or 1 year) imprisonment.
53. I note that the defendant has been remanded since the 14th January 2025 earlier this year and the final sentence shall be retrospectively commenced on that date.¹⁷
54. The defendant is now jailed because he failed to respect his parents as demonstrated in his criminal actions, and to any likeminded person, these sentences should be a warning for you.

Orders

55. The orders of the Court are as follows:

- [1] Count 1: The defendant is sentenced to 6 months imprisonment for one count of malicious injuries contrary to section 326(1) of the *Penal Code* [Cap 26] in the criminal case no 14 of 2025.
- [2] Count 2: The defendant is sentenced to 6 months imprisonment for one count of malicious injuries contrary to section 326(1) of the *Penal Code* [Cap 26] in the criminal case no 15 of 2025.
- [3] Count 3: The defendant is sentenced to 12 months (1 year) imprisonment for one count of arson contrary to section 319(a) of the *Penal Code* [Cap 26] in the criminal case no 15 of 2025.
- [4] Concurrent sentences: All the sentences shall run concurrently which means the defendant shall serve only 12 months (1 year) imprisonment.
- [5] The total sentence shall be retrospectively commenced on the 14th January 2025 being the date of first remand. Any other days spent in custody should be deducted as well.
- [6] Right of Appeal within 14 days.


PRINCIPAL MAGISTRATE
THE COURT



¹⁶ *Abana v R* [2024] SBCA 10; SICOA-CRAC 40 of 2023 (31 May 2024)

¹⁷ *Damusia v R* [2021] SBCA 7; SICOA-CRAC 46 of 2019 (1 February 2021)