



**IN THE CENTRAL MAGISTRATE COURT)
OF SOLOMON ISLANDS AT HONIARA)**
(Criminal Jurisdiction)

Criminal Case No. 97 Of 2025

REX

-V-

STEPHEN FIRIA

Before: Pauline Smith Taroimae
Mr. Philip Muliungu for Prosecution
Mr. Kevin Maelanga for the Defendant

Date of plea: 7th March 2025
Date of Sentencing Submissions: 13th March 2025
Date of Sentence: 19th March 2025

Sentence

BACKGROUND:

1. The defendant Stephen Firia on 7th March 2025, you pleaded guilty to one count of *Threatening, Abusive or Insulting behaviour contrary to section 178(n) of the Penal code*¹. I have had the opportunity to peruse the agreed facts, and I am satisfied beyond reasonable doubt that you have committed this offence. I now hereby enter criminal conviction against you.

Agreed Facts:

2. The essential agreed facts showed that you committed this offence on 2nd of February 2025 around 1100hrs to 1200hrs. At that material time you consumed few beers and got into a quarrel with your mother at you home along the main road at white river yellow Bamboo. You raised your voice and your brother Richard told you to stop to resolve the matter. The complainant then shouted at you leading to an exchange of words with each other to which you then uttered abusive words to the effect to the complainant 'iu fuckem

¹ Section 178(n) of Penal Code (Cap 26)

you, fuckem mouth blo you' to the complainant. At that material time, the complainant's husband was present and you also swore at him.

3. This eventually led to your arrest and charge. Facts further showed that you gave \$200 fine as compensation to the complainant.

Maximum Penalties

4. The maximum penalty prescribed for threatening, abusive or insulting behaviour is \$1000 penalty units or 1-month imprisonment².

Analysis

5. The offence of Threatening, Abusive or Insulting behaviour is one that is increasing in our communities and neighbourhoods. Many young people tend to swear, threaten and insult others when disagreements arise between them instead of resolving issues in an amicable manner. Alcohol also contributes to such unacceptable behaviour. Despite our laws being put in place to protect public interests, unfortunately many falls victim to this kind of anti-social behaviours.
6. Mr Firia you did not only break the law of this country but the words you uttered are very disrespectful in our customs. It is offensive, insulting and abusive. I note from submissions made on your behalf regarding the circumstance surrounding your offending that you were not happy with the complainant for interfering in your family problems, hence, the reason for your offending. I must however remind you today that there are proper ways to address issues. If you are not happy with complainant's interference, you first address your mother and your brother respectfully other drinking and trying to talk things over with your family.
7. In that same way you would have address the complainant respectfully not to interfere.
8. Issues will never be solved properly when one party is under the influence of liquor. It will worsen the situation. You being here in court today to face the full force of law is an example how it is very important we prepare ourselves to properly address issues not only without our own families but also in our communities.

² Above n1

9. Having said that I applaud defence counsel for providing cases to properly assist this court in ensuring that an appropriate deterrence message is sent to you and the general public. I urge prosecution to pull up their socks in properly assisting this court. At the end of the day, you brought this case to the court so that justice is served. Therefore, it is also your duty to properly assist this court that a fair sentence is sent out.
10. Defence had cited the following cases in support of your submission,
11. The matter of *R v Arebonto*³ where defendant used abusive words towards the complainant for refusing to give him \$20, he was sentenced to a good behaviour bond for 6 months in the sum of 300.
12. Also, the matter of *R v Gideon*⁴ where defendant also charged with the same offence together with other charges. He used abusive words and was sentenced to 1-month imprisonment. Lastly the case of *Regina v Tamana*⁵ the court imposed a good behaviour bond on the defendant for 6 months in the sum of \$200.
13. other similar offending includes the matter of *Regina v Pauline*⁶ where the defendant used abusive words against police officer in the course of their duties. she was sentenced to 1-month imprisonment and served a 5 months concurrent sentence together with her other charge.
14. In another case, the matter of *Regina v Funubana*⁷ the defendant was charged with multiple counts one of which threatening, Abusive or Insulting behaviour. Victim in this matter had a narrow escape through the window of the bus where the all the offending took place against him. Defendant was sentenced to 1 month for the charge of threatening, abusive or insulting behaviour. He was ordered to serve 2 years 10 months

³ R v Arebonto [2024] SBMC 4; Criminal Case 608 of 2023 (5 April 2024)

⁴ R v Gideon [2020] SBMC 33; Criminal Case 715 of 2020 (28 August 2020)

⁵ Regina v Tamana [2017] SBMC 56; Criminal Case 131 of 2017 (14 November 2017)

⁶ Regina v Pauline [2017] SBMC 2; Criminal Case 417 of 2017 (20 April 2017)

⁷ Regina v Funubana [2017] SBMC 37; Criminal Case 464 of 2013 (21 August 2017)

concurrent sentence although was released on the rising of the court for already spending 2 years 9 months in custody.

Aggravating factor

15. It is important also to bear in mind also that all cases have their own sets of facts and merits when sentencing a defendant. Therefore, today this court considers the following aggravating factors.
- i. You committed an offence when you were under the influence of liquor.
 - ii. Swearing at victim and her husband. It is insulting, abusive and disrespectful.
 - iii. Victim is 44 years old female. A vulnerable member of the society and should be respected especially by someone as young as you. You show no respect to elders.

Mitigating factors.

16. The court accepts the following mitigations;
- i. Your early guilty plea which saves courts time and resources.
 - ii. Your genuine remorsefulness.
 - iii. You have no previous conviction
 - iv. You have given \$200 as compensation to the victim as an apology.
 - v. Your personal circumstances. Young, unemployed, highest level of education is secondary school and you are looking forward to joining the sessional working scheme.

Sentencing considerations


17. In terms of the sentencing tariffs, I took into account the cases cited above, hence sentences ranges from custodial sentence to non-custodial sentence depending on the facts and merits of each case.
18. I am mindful though that a message of deterrence, prevention and rehabilitation is very essential to be sent to you and the general public that certain kinds of behaviours are unlawful and are unaccepted within this country. This is to deter you and rehabilitate you from committing this offence again in the future.

19. I note from the facts of the case that you have given a compensation to the defendant, which shows that you are sorry and also regretful for your actions. I further note that you are a youthful person and I believe there are prospects of rehabilitation.
20. Given the above assessment of your entire case taking into consideration the aggravating, mitigating and personal circumstances, this court is of the view that a bound over sentence is appropriate to impose upon you. This is to teach you a lesson and to serve as a warning for you to refrain from committing any offences again in the future.
21. Hence, in light of the above considerations and for the purpose of deterrence and rehabilitation I sentence you Mr. Stephen Firia as follows.

COURT ORDERS

- (i) Defendant Stephen Firia to enter a good behaviour bond, to be of good behaviour and to keep the public peace for a period of 6 months in the sum of \$300.00.
- (ii) Rights to appeal applies within 14 days from today.
- (iii) Orders Accordingly.

Dated this 19th day of March 2025


Pauline Smith Targimae
(Magistrate Second Class).