



IN THE CENTRAL MAGISTRATES COURT OF SOLOMON ISLANDS IN HONIARA

Criminal Case No. 515 of 2025

REX-v-JUNIOR ERICK ENE AND REX HARRISION

Presiding Magistrate: PM Hollison

Appearances:

Police Constable Florence Hiroshachi for the Police Prosecutions Department (Crown)

Bethsaida Kere, Senior Legal Officer, Public Solicitors Office, for the defendant

Date: 5th June 2025

SENTENCE

Introduction

1. There are two defendants in this matter who are jointly charged with one count of Housebreaking and committing felony contrary to section 300(a) and (b) of the *Penal Code* [Cap 26] read with section 21(a) of the *Penal Code* [Cap 26].
2. The co-defendant Mr Harrison has been sentenced to 8 months imprisonment after pleading guilty to the same charge during the Buala circuit last month.
3. The remaining defendant Mr Ene has pleaded guilty to the same charge yesterday. I now record a conviction against his name because of the severity of the offence.
4. The agreed facts are as follows:
5. The defendants in this matter are Ene, Harrison and another person, all from Samasodu Village, Katova Ward in the Isabel Province.
6. The victim is Joycelyn Ragovena of Boboki Area, Samasodu in the Isabel Province.
7. The incident occurred on the 13th August 2024 sometimes between 1am and 2am at Samasodu village.
8. At the material time, the defendant went to the complainant's fuel depot.
9. One of the defendant's broke the lock on the chain which was on the door.
10. The other unnamed defendant then entered the fuel storage room. That defendant used a pipe to transfer fuel from a petrol drum into a container whilst the other two defendants were present outside. Mr Ene was standing outside about 20-plus meters away from the where the others were. Just as the other defendant was about to come out from the depot, the complainant's grandson arrived and caught the defendants committing the offence.
11. The complainant's grandson told them to return all the fuel, and Mr Ene also shouted out to the other defendants to give back the fuel.
12. The complainant was notified about the incident, and she reported the matter to the police.
13. The defendants Ene and Harrison were then arrested and charged. Whilst the third defendant is still at large.

Discussion and Analysis

14. The maximum sentence is 14 years imprisonment which is an indication of the seriousness of the offence.¹
15. The sentencing principles such as punishment, deterrence, and rehabilitation must always be considered when formulating a sentence and I am making sure that these are captured in this sentence.
16. Housebreaking and burglary offences in this jurisdiction normally attracts a custodial sentence.² In *Regina v Bade* [1988] SPLawRp 12; [1988] SPLR 348 (21 December 1988)³, his Lordship Ward CJ stated as follows:

For a normal burglary case, the only appropriate penalty must be an immediate custodial sentence. Where the burglary is not aggravated in any way, the starting-point for an adult first offender should be two years' imprisonment.

17. The aggravating factors include group offending and the commission of the offending at night. In *Regina v Funifaka* [1997] SBHC 31; HC-CRC 033 of 1996 (6 June 1997)⁴, Palmer J (as he then was) stated at page 16-17 as follows:

In those circumstances, I am satisfied an immediate custodial sentence must be expected and imposed. The message must be made clear and plain that those who venture out at night, armed and break into peoples' homes... must expect to be sent to prison.

18. I take cognisance of the relevant provisions of the *Juvenile Offenders Act* [Cap 14] particularly sections 12 and 16.⁵ The defendant is a “young person” which means he is between the age of 14 and 18 years as per the definition of the *Juvenile Offenders Act* [Cap 14]. The defendant is a juvenile and therefore he will be given some form of leniency compared to adults. I will elaborate on this later in the computation of the sentence.
19. I take judicial notice of the fact that theft-related offences are on the rise in the country and from anecdotal evidence, the current trend is very concerning. So whatever sentence I will impose should reflect the public’s denunciation of such offences.
20. The facts show that the defendant is not the principal offender in the offending, however, being present at the crime scene and being part of the group means that he is guilty just as the main offender by virtue of section 21(a) of the *Penal Code* [Cap 26].⁶ I accept, however, that he should receive a much lesser sentence compared to his co-offenders because of his culpability and young age.

¹ *Penal Code* [Cap 26], s300 states: Any person who: (a) breaks and enters any dwelling-house, or any building within the curtilage thereof and occupied therewith, or any schoolhouse, shop, warehouse, counting-house, office, store, garage, pavilion, factory or workshop, or any building belonging to Her Majesty, or to the Government, or to any Town Council, local government council or other public authority, and commits any felony therein; or (b) breaks out of the same, having committed any felony therein, is guilty of a felony, and shall be liable to imprisonment for fourteen years.

² *Regina v Bade* [1988] SPLawRp 12; [1988] SPLR 348 (21 December 1988)

³ *Regina v Bade* [1988] SPLawRp 12; [1988] SPLR 348 (21 December 1988)

⁴ *Regina v Funifaka* [1997] SBHC 31; HC-CRC 033 of 1996 (6 June 1997)

⁵ *Juvenile Offenders Act* [Cap 14], ss12 and 14

⁶ *Penal Code* [Cap 26], s21(a)

21. Before determining the actual sentence for the defendant, as much as I am guided by the case authorities governing the sentence of similar offences, I am also bound by the *Juvenile Offenders Act* [Cap 14].
22. Since the defendants are charged together as principal offenders, the normal practice and principle is that they should generally receive the same sentence. The other factors that will likely alter the sentence is the fact that the defendant is a juvenile and his culpability. Section 16(j) of the *Juvenile Offenders Act* [Cap 14]⁷ states:

(j) where the offender is a young person, by sentencing him to imprisonment.
23. After having considered all the relevant factors including section 16 (j) and (k) of the *Juvenile Offenders Act* [Cap 14], I am of the view that a custodial sentence is appropriate because of the seriousness of the offence. Based on his culpability, a starting point of 10 months imprisonment should be appropriate.
24. I consider the mitigating circumstances such as early plea, remorse, cooperation with the police, delay, and his personal circumstances including his young age, his chances of rehabilitation and the fact that he is a form 3 student at Vaturanga Secondary School in West Guadalcanal, I deduct 8 months to reflect all the mitigating factors.
25. Therefore, the resulting sentence is 2 months imprisonment.

Conclusion

26. Having said that, I now sentence the defendant Mr Ene to 2 months' imprisonment for one count of housebreaking and committing felony contrary to section 300(a) and (b) of the *Penal Code* [Cap 26], read with section 21(a) of the *Penal Code* [Cap 26].
27. Noting the options available under section 16 (k) of the *Juvenile Offenders Act* [Cap 14], and section 44(1) of the *Penal Code* [Cap 26]⁸ since there is no mention of a weapon in the facts, I suspend 1 month from the total sentence with the duration of 24 months.
28. Therefore, the defendant must serve one (1) month of imprisonment at the Rove Correctional Facility. It is important in my view to teach the defendant by way of incarceration and to warn the members of the public that breaking into people's homes and stealing their properties attracts a harsh punishment.
29. Any pre-sentence custody should be duly deducted although according to the court's records, there is none.
30. I further direct that the defendant shall be placed at a separate room/space from the adults as he is a juvenile.
31. Right of appeal applies.
32. The court so orders.


Principal Magistrate Felix Hollison
The Court



⁷ *Juvenile Offenders Act* [Cap 14], s16(j)

⁸ *Penal Code* [Cap 26], s44(1)