



**IN THE CENTRAL MAGISTRATES COURT OF SOLOMON ISLANDS AT HONIARA**

(Criminal Jurisdiction)

**Criminal Cases No. 689 of 2025. REX-V-NEWTON GAO**

Coram: HOLLISON F (PRINCIPAL MAGISTRATE)

Appearances:

Mr Abel Maelanga, Police Prosecutions Department, for the Crown

Mr Vincent Nomae, Senior Legal Officer, Public Solicitors Office, for the Defendant

Date of Ruling: 3<sup>rd</sup> September 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, Newton Gao, is charged with one count of Assaults Punishable with Two Years' Imprisonment contrary to section 247(b) of the *Penal Code* [Cap 27]. He pleaded guilty to the charge yesterday. He is convicted based on the plea entered. I will now proceed to sentence him.

Agreed Facts:

2. On the 6<sup>th</sup> July 2025 at around 10,00hrs, the complainant who is a police officer with his other colleague police officers from the White River Police station responded and attended a police report at Tasahe B area in west Honiara.
3. The police arrived at Tasahe B area and approached the suspect Mr Nathan Daiwo (in a separate matter) following the report. The suspect attempted to evade police arrest, however, the police intercepted him. The suspect was subsequently arrested. Whilst the police officers were arresting the suspect in that separate matter, the defendant in this case who was intoxicated at the time confronted the police officers and obstructed the officers from arresting the suspect. He told the police officers not to arrest the suspect, as the suspect did nothing wrong, or else the police officers would face the consequences for doing so.<sup>1</sup>
4. The defendant in this matter was later arrested and admitted that he committed the offence.
5. He maintained that admission when he pleaded guilty to the offending.

Discussion and Analysis:

6. I am guided by the sentencing principles such as punishment, deterrence and rehabilitation when formulating a sentence.

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<sup>1</sup> The agreed facts recorded the defendant's words as follows: "Iufala no holem man ya, no anything wrong hem duim, nogud iufala filim".

7. Section 247 (b) of the *Penal Code* [Cap 26]<sup>2</sup> states as follows:  
*247. Any person who (b) assaults, resists or willfully obstructs any police officer in the due execution of his duty, or any person acting in aid of such officer; is guilty of a misdemeanour, and shall be liable to imprisonment for two years.*
8. The aggravating factors include the fact that the defendant was intoxicated and most probably the fear inflicted upon the police officers. Fortunately, there were three police officers and they were able to withstand the threat. The level of culpability of the defendant is at the lower range of the scale. He only obstructed the police officers by the words that he said. Nevertheless, that is still a willful obstruction when the police officers were duly executing their duties under the *Police Act 2013* and the *Constitution*.
9. Section 24(3) of the *Penal Code* [Cap 26]<sup>3</sup> states as follows:  
*(3) A person liable to imprisonment for an offence may be sentenced to pay a fine in addition to or instead of imprisonment.*
10. In this particular case, after having noted the relevant factors and the mitigating circumstances such as an early guilty plea, no previous conviction and the defendant's personal circumstances, I am of the view that a penalty fine is the most appropriate sentence because the defendant verbally obstructed the police officers rather than physically or using a weapon in the course of obstruction. If a weapon was used or an officer has been assaulted, a custodial sentence would be the most appropriate sentence.
11. Therefore, I now sentence the defendant to pay a penalty fine of \$2000 which is due this Friday the 5<sup>th</sup> of September 2025 at 4:30pm. If he does not pay, he shall be imprisoned for 3 months at the correctional facility at Rove in Honiara.

Conclusion:

12. The public is urged to respect our law enforcement agencies especially the police officers. They are mandated by law to protect all of us.<sup>4</sup> Many of them risk their lives in the course of discharging their duties. They deserve our respect and cooperation to make this country a safer and better place to live in.
13. The defendant is further imposed with a good behavior bond in the sum of \$2000 for 24 months.
14. Right of appeal applies.
15. The court so orders.

  
PRINCIPAL MAGISTRATE FELIX HOLLISON



<sup>2</sup> *Penal Code* [Cap 26]

<sup>3</sup> *Penal Code* [Cap 26], s 24(3)

<sup>4</sup> *Police Act 2013*, and the *Constitution of Solomon Islands*.