

IN THE CENTRAL MAGISTRATES' COURT)
OF SOLOMON ISLANDS)

Held at Honiara)

Criminal Case No. 123 of 2024



Criminal Jurisdiction

BETWEEN:

REX

v.

AND:

JAMES LONGOBAEA

Date of Sentencing Hearing: 17 September 2025

Date of Sentence: 18 September 2025

Prosecutions: *Mr Philip Muliungu* (Police Prosecutions)

Defence: *Ms Pitamama* (PSO)

SENTENCE

Introduction

1. The defendant Mr. James Longobaea was charged with 1 x of Permitting Unlicensed Motor Vehicle, contrary to section 7 (1) of the Road Transport Act. Cap 131, and 1 x of Permitting Uninsured Motor Vehicle, contrary to section 8 (1) and (2) (b) of Motor Vehicle (Third Party Insurance) Act. Chap 83.
2. The defendant pleaded guilty to both counts on the 17th of September 2025, and the matter was listed for ruling on sentence to be delivered.

Maximum Penalty

The maximum penalty for Count 1 – Permitting Unlicensed Motor Vehicle is a fine of 5000 Penalty Unit or imprisonment of six months or to both such a fine and such imprisonment. For count 2 – Permitting Uninsured Motor Vehicle, the maximum penalty is a fine of \$150 penalty Unit.

The maximum penalties indicates the legislators' intention to deter people from committing the offense. Certainly, it is well established in law that the maximum penalty is reserved for the most serious types of offenses.

Agreed Facts

3. I will adopt the agreed facts as follows:
 - a. The defendant is Mr James Longobaea of Silolo Village, Tobaita, North District, Malaita Province.
 - b. The incident occurred on the 22nd of February 2024 at Honiara in the Guadalcanal Province.
 - c. On the 22nd of February 2024, the Kukum Traffic Officers were mounting an operation at Uncle Alick's shop to check for expired vehicle, driver, and Third - Party Insurance licenses.
 - d. When the officers were at the checkpoint, they sighted a Toyota Corolla, Registration number MA -0068, and arrested the driver, Mr. Footoona.
 - e. The driver, Eddie Footoona, was then interviewed at the Kukum Traffic Centre. There he informed the Police officers that the defendant Mr. James Longobaea, was the owner of the vehicle.
 - f. The defendant Mr. Longobaea, was then taken to Kukum Traffic Centre for further dealings, and he was formally arrested and then participated in a record of interview, and bailed to appear in court.
 - g.

Aggravating Features

4. Having perused the brief facts, these are the aggravating features that I find in your case;
 1. The general seriousness of the offences as reflected through the Maximum Penalties
 2. The prevalence of these offending.

Sentencing Principle:

3. In terms of sentencing, the cardinal principle is simple, that is, each case must be decided on its own unique set of facts. Past cases can only be used as a guide and sometimes can be of little value. In *Sahu v Regina*¹ the Court stated:
"It is well accepted that the technique of comparing sentences imposed in different cases is of limited assistance and provides only imperfect guidance

¹ [2012] SBHC 122; HCSI-CRC 504 OF 2011

as to the appropriate sentence in any given case." However, to ensure uniformity and coherence, past cases can be of significant assistance.

4. In determining the appropriate sentence for the defendant, the Court has carefully considered both specific and general deterrence. Specific deterrence aims to prevent the defendant from engaging in similar criminal conduct in the future, ensuring that the individual understands the consequences of their actions and refrains from reoffending. General deterrence, on the other hand, serves to discourage others who might contemplate similar unlawful behaviour by demonstrating that violations of the law will result in significant repercussions. It is the Court's intention that the sentence imposed will not only address the individual's conduct but also send a clear message to the wider community that breaches of traffic laws, particularly those involving vehicle safety, will not be tolerated.

Mitigating Factors

5. I take due account to the following factors as Mitigation in your case:
 1. Early Guilty Plea & Remorse – The accused pleaded guilty at the first available opportunity. His guilty plea demonstrates remorse and has conserved the court's time and resources that would have been expended in conducting a full trial. He has apologised to the court through Counsel and state that he has learned his lesson from this case.
 2. This clearly shows that the accused has taken responsibility for his actions and accepts the consequences. As settled in *Qoloni v R*², guilty pleas attract discounted sentences, I shall give full discount available in the case of that is 30 % discount.
 3. The accused is a first time offender- This being your first encounter with the law, there is a clear opportunity for rehabilitation.
 4. Cooperation with the Police – He has cooperated well with the Police and attends to all his court dates.
 5. Family Circumstances – Defendant is married and has four children, all between the ages of 10 and 4 years old. They are all in school.
 6. Defendant is the sole bread winner for his family. Defendant has a medical condition. He also supports his 3 siblings to make ends meet.

² [2005] SBHC 73

Sentencing Order:

6. I hereby sentence you Mr James Longobaea to a total fine of \$300.00 penalty unit.
7. The fine must be paid to this court by 2nd October 2025.
8. In default of the above payment – 2 weeks imprisonment.
9. 14 days right of appeal applies.

