

REGINA v. THOMAS PADAVISU, HURRY RURAI, MATHEW LEE and FRED LANGLEY

High Court of Solomon Islands  
(Ward C.J.)

Criminal Case No. 30 of 1990

Hearing: 26, 27, 28 November 1990

Judgment: 30 November 1990

DPP for the Prosecutions

Mrs. M Samuel for 1st Accused

In person 2nd Accused

T. Kama for 3rd Accused

A. Radclyffe for 4th Accused

**Trial of Rurai and Lee**

Judgment:

The two accused are charged, together with one Thomas Padavisu, with robbery on 20th July 1990 of \$228,000.

The prosecution case is that, at after 3.00 pm, two officers of the NBSI carried two boxes of money across the road to the CBSI. As they approached the gate to the service road behind the Central Bank, Padavisu and Rurai ran up. Rurai punched one of the officers on the left cheek, grabbed him around the neck from behind and made him fall to the ground. As the officer fell, he lost his grip on the box. Rurai picked it up and ran to a taxi waiting outside the general store. As the bank officer started to pursue Rurai, Padavisu threatened him with a knife and then ran to join Rurai in the taxi. As soon as they were both in, the taxi drove off towards Lengakiki. That taxi was driven by Lee.

In the box was \$228,000 cash. Later the same day, Lee drove to Central Police Station and told them he had been forced to drive the robbers but he was nevertheless arrested. His apparent frankness was qualified by the fact that, for some time, he claimed not to know the people involved, when he in fact knew Padavisu, and he omitted to mention, until some time after his arrest, that he had been paid \$500 for the hire of his taxi and the money was in the vehicle.

Earlier that afternoon, a police officer had seen the taxi parked by the Bokona turning. He knew Lee and noticed there were two others with him. When later at the Police Station Lee was denying any knowledge of the identity of the robbers, that officer went in and made comments that showed he knew Padavisu's identify. At this Lee started crying and admitted it was Padavisu.

Apart from the bank officers involved the robbery itself was witnessed by two women, Grace Campbell and Lilita Eta.

Later Rurai was arrested and both accused made statements to the police, Lee contested the admissibility of his statement in a trial within a trial and I ruled it was admissible. I simply did not believe his account of how it was taken and did believe the officers.

Similarly Rurai, who was not represented, denied much of his statement when he gave evidence. I have considered his evidence first from the point of view of admissibility and I am satisfied beyond doubt it was voluntary, made by him and is admissible.

Rurai in his statement to the police told them he came to Honiara, met Padavisu and was asked by him to help steal money from the bank. They considered doing it on Thursday but called it off. On the Friday they hired Lee's taxi and all parked by the Masonic Hall to wait until 3.00 pm. They then robbed the bank officer and went off in the taxi. As they drove, Padavisu told Rurai to open the box and pay the taxi and he gave him a bundle of \$50 notes. He then went on to explain what they did with the money.

In court he gave evidence on oath in which he agreed he met Padavisu and went around with him. He said that he did not know why they were waiting in the taxi at the Masonic Hall. Eventually they drove to the general store near the bank. Rurai went into the shop for some Spear and, when he came out, he could not see Padavisu. After a moment he heard Padavisu call out and saw him in the road with a bank officer. He walked over and the officer gave him a box. He took and carried it to the taxi following Padavisu. They drove off and as they drove, Padavisu asked him to open the box and pay the driver. He saw the box was full of money, thought nothing strange and paid the driver with a bundle of notes. He said in all this time he never realised there was anything wrong.

I need go no further. I didn't believe him at all. It was clear he was lying about his involvement. In the witness box he was quick to correct any statement by the prosecution that did not accord with the evidence. He struck me as quick witted and I do not believe for a moment he did not know what was going on. I accept that he gave a correct account of his involvement to the police.

Lee also made a statement to the police. He told them how he was hired by Padavisu and another boy he did not know. While they were waiting by the Masonic Hall, Padavisu told him the plan to rob the bank. He drove them to the bank and waited until they took the money, then drove them away. He was paid \$500 in \$50 notes.

In court he also gave evidence on oath. He said that, as he was waiting by the Masonic Hall, he spent the time cleaning the engine of the car. He was then told to drive to the general store and assumed they were going to collect some goods. As soon as they stopped, the others got out but he did

not see where they went because he leaned on the steering wheel and shut his eyes.

The next thing he knew was when he glanced in the driving mirrors and saw Padavisu a few feet from the car running towards it. In his hand was a knife and, as soon as he got in the car, Padavisu held the knife to his neck. He drove them thereafter because he was forced to do so. When he was clear of them he went to the police.

Having considered his evidence and the manner in which he gave it, I am satisfied beyond any doubt he was lying. I do not believe his account about his involvement. Even if I had felt the story of being forced might be true, I do not accept it was enough to amount to duress for the whole period he was driving them after the robbery. I am satisfied he went to the police because he realised his taxi had been recognised and in the hope he could get away with it.

I have reminded myself throughout that each is entitled to separate consideration and that the statements under caution of each accused are inadmissible against the other.

I am satisfied beyond any doubt at all that each accused is guilty of robbery and I convict him as charged.

(F.G.R. Ward)  
CHIEF JUSTICE