

## **REGINA-v-DEVE FAISI**

HIGH COURT OF SOLOMON ISLANDS  
(Mwanasalua, J.)

*Criminal Case No. 382 of 2005*

**Hearing:** 24<sup>th</sup> and 25<sup>th</sup> July 2006  
**Judgment/Sentence:** 28 July 2006

*R.B. Talasasa for the Crown  
M. Bird for Deve Faisi*

### **JUDGMENT**

**Mwanasalua, J:** Deve Faisi was charged with unlawfully causing the death of John Waleani on 12<sup>th</sup> February 2005 at Bahai in Honiara. He pleaded guilty to Manslaughter. I entered a guilty plea on his own plea and convicted him accordingly.

#### **The Facts**

Faisi is an adult. He was at the barbecue stalls at Bahai on the night of 12<sup>th</sup> February. At about 11pm, the deceased and his friend, Ben, went to the Stalls to buy food. That was after they had taken some drink earlier on that night. Ben enquired about the price of fish when they arrived at the stalls. They were told by the Sellers that prices range from \$15 to \$25.00. They disagreed with the prices and told the women who were selling the fish that the prices were too high. As Ben was in the process of buying a plate of fish, Faisi stood up from the stool on which he sat and approached Ben and the deceased. Deve wore a pair of black boots. He ordered Ben and the deceased to leave the stalls if they had no money. Deve delivered a blow to the forehead of the deceased with his closed right fist. That blow caused the deceased to fall to the ground on his back. Deve then delivered another blow to Ben's head and chased Ben away from the area. Deve then returned to the spot where the deceased was lying down and kicked the deceased on the side of his face with his boot. The deceased was transported to the National Referral Hospital by vehicle where he died thirty minutes later.

Dr. Dodd performed an autopsy on the body of the deceased at the Referral Hospital on 14<sup>th</sup> February 2005. An external examination of the body revealed a small ovoid area of bruising to the right frontal scalp and a minor laceration to the lower lip. An internal examination of the body showed a significant

of bruising immediately above the right ear. According to the doctor, the bruising in that area was entirely in keeping with the notion of a kick to the head. Dr. Dodd's post mortem report showed that the deceased's causes of death were due to (a) *traumatic basal subarachnoid hemorrhage (Presumptive evidence of artery tear)* and (b) *blunt trauma to the head*.

**SENTENCE**

**Mwanosalua, J:** You Deve Faisi pleaded guilty. You have no previous convictions. That means that you have a clean record with the Police. There was no weapon used in the Commission of your offence. But, you unlawfully caused the death of the deceased by unlawful and dangerous acts. You inflicted unlawful blows to the head of the deceased with your closed fist and leg. Kicking the deceased in the area of the head when you wore boots was a dangerous act. You kicked the deceased while he was lying on the ground unconscious for no apparent reasons at all. Manslaughter is a serious offence. It carries a maximum custodial penalty of imprisonment for life. But I consider that the appropriate sentence for your offence is four years imprisonment, commencing from the first day you went into custody. I order accordingly.

**Francis Mwanosalua  
Puisne Judge**