

**REGINA-v-BENEDICT IDU AND JAMES TATAU**

HIGH COURT OF SOLOMON ISLANDS  
(Mwanosalua, J.)

*Criminal Case No. 120 of 2004*

**Hearing:** 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> July 2006

**Sentence:** 25<sup>th</sup> July 2006

*P. Little for the Crown*

*H. Barclay for Benedict Idu*

*C. Ashley for James Tatau*

**SENTENCE**

**Mwanosalua, J:** Benedict Idu and James Tatau are jointly charged with demanding with menaces. On 19 and 20<sup>th</sup> July 2006 they pleaded guilty to the charge before me. Benedict Idu was further charged with simple larceny. He also pleaded guilty to that charge. They were both convicted of the offences upon their own pleas of guilty.

**The Facts**

The Legal firm Sol Law practices law in Honiara. Its offices are located on the fifth floor of Anthony Saru Building at Coronation Drive in Honiara. On 24 May 2002 Benedict Idu, James Tatau and other men went uninvited to the offices Sol Law. They arrived at the offices at about 11am. and spoke to three partners of the firm and other staff. Benedict Idu, James Tatau and the other men demanded keys to the Firm's green Hilux vehicles registered numbers A9273 and A7058.

They made threats and abusive words to the partners of Sol Law and their staff. The demand was refused which led to two partners of Sol Law being assaulted by James Tatau and another member of his group. At about 4:30pm. on the same day, a group of men including Benedict Idu returned to the Anthony Saru Building and stole the two green Hilux vehicles owned by Sol Law which were parked in front of the building. The vehicles were not returned to Sol Law by the men who stole them.

**Mitigation**

Benedict Idu pleaded guilty. He has no previous convictions. He was first taken into custody on 17 October 2003. James Tatau pleaded guilty. He is

married with three children. He was in custody since 11 January 2005. James Tatau had previous convictions which are well over ten years old. I disregard them and treat him as first offender.

### **The Law**

Both demanding with menaces and simple larceny are felonies. They are relatively serious offences. Each of them carries a maximum penalty of imprisonment for five years. The menaces made by Benedict Idu, James Tatau and the other men in this case were serious in that they directly led to assault on two partners of Sol Law. The larceny charge against Benedict Idu is also serious in that the vehicles which were stolen cost a lot of money to purchase and are vital assets of Sol Law.

The seriousness of the offences will still merit the imposition of Custodial sentences even after taking into account the mitigating factors advanced in favour of the accused. They will be sentenced to serve custodial sentences.

For demanding with menaces, both accused are sentenced to thirty months imprisonment. For stealing the two vehicles, Benedict Idu is further sentenced to twenty-five months imprisonment to be served concurrently with his sentence of thirty months. The thirty months period in respect of each accused will begin from the date at which he was first taken into custody for the offences. For Benedict Idu that date will be 17<sup>th</sup> October 2003 and for James Tatau it will be 11<sup>th</sup> January 2005. I order accordingly.

**Francis Mwanasalua**  
**Puisne Judge**