

**IN THE HIGH COURT OF SOLOMON ISLANDS (KIRA KIRA CIRCUIT)**

**CRIMINAL JURISDICTION**

**Criminal Case Number 436 of 2024**

**REX -V- JOHNSON TAREMAE**

**Date of Hearing: 30/08/2025.**

**Date of Decision: 5/09/2025.**

*Counsel; Mr. Vaike and Mr. Fanasia Junior for the Crown.*

*Counsel; Mr. Brooke for the Defendant.*

**KENIAPISIA; PJ:**

**SENTENCE AND PAROLE ENTITLEMENT PERIOD**

1. The **10 day of April 2024** was a sad period for Mr. Peter Toumu, his family and for the community of Hao village, Central Bauro, Makira Ulawa Province. A brotherhood disagreement led to the death of an elder brother. Mr. Peter Toumu has two sons, the elderly one Mr. Tony Toumu (deceased) and the younger one, Mr. Johnson Taremae (accused).
2. Mr. Tony Toumu, the deceased, got angry with his younger brother, Johnson Taremae (JT) because, his younger brother wanted to cut down his Nuri tree, using a chainsaw. Johnson Taremae and two other male relatives went to cut the Nuri tree close to Tony's house. While they were about to cut the tree, the deceased, Tony, approached them and stopped them from cutting the Nuri tree. Tony was angry, disappointed, and furious.
3. The father went to calm the deceased down at his house, as JT and the two boys left. The deceased was annoyed. He did not listen to his father. The deceased in his outrage shouted and uttered disrespectful words towards his younger brother, JT. The deceased was heard saying distasteful words to the effect of *"You are a thief who steals from people's gardens to feed your children"*. The deceased also uttered other demeaning words and shouted out to JT using bad words. He even stopped JT from breaking the cocoa fruits that JT had already harvested for sale. All these angered JT, who quickly came back to where Tony was, grabbed the deceased's knife lying next to him on a stool and used it to assault the deceased on his back and neck, causing him to die instantly.
4. The father stood helpless as he watched his younger son slaughter his elder brother before his very eyes. JT tried to drag the dead body to the deceased's house, but the father stopped him and told him to go straight to the police to report the matter.
5. The father walked to the main road and informed other relatives about what had happened. He returned back to the deceased's body, while other relatives arrived and waited for the

police to assist with the deceased's body and to locate JT. JT was eventually arrested, detained and charged for murder.

6. On the 12 April 2024, Doctor Roy Maraka, examined the deceased's body and produced a report showing the cause of the death. I want to quote from the doctor's report, on the cause of the death, from the last two paragraphs on the last page: -

"It is my opinion that he died from exsanguination (severe blood loss) due to the slash wound on his neck. The slash wound cut through the spine and the major blood vessels that were present on the neck. It appeared that he was cut once to the neck, however, it was possible that there was more than one cut. It was possible that the force used was a severe force applied to cut the neck. It was highly likely that the deceased was cut from his back. There was also a slash wound on his right upper back. The bush knife was most likely the object used to cut the neck and his right upper back.


"The abrasions on his body were also sustained at around the time of death. The abrasions were present on the chest, abdomen, and forehead. The swollen left eye and abrasions on the forehead were either cause when he was hit/punch or when he fell to the ground."

7. I arraigned Mr. JT on 30/8/2025, on the charge of murder contrary to Section 200 of the Penal Code Act (Cap 26). I also read to JT the summary of agreed facts. Mr. JT entered a guilty plea. I convicted Mr. JT of murder upon his guilty plea. I sentenced him to the mandatory lifetime imprisonment. This is the only punishment available for murder.
8. Whilst I sentenced JT to life imprisonment, it is incumbent on me to also set a minimum time period of life imprisonment that JT must serve before he is entitled to parole (Ludawane -v- Regina, Court of Appeal 2017). Subsequent to Ludawane, Regulation 6 (1) of the Correctional Services (Parole) Regulations 2020, requires that a convicted prisoner serving a lifetime sentence, may apply to the Board for parole only after serving the minimum term of imprisonment that the Court has set on sentencing the prisoner.
9. The sole issue for determination is – **"What is the minimum period of life-imprisonment Mr. JT must serve before he is entitled to parole?"**
10. The leading authority on minimum parole entitlement period is the Court of Appeal case of Ludawane which set guidelines for different bands of murder convictions. The highest band, for **exceptionally serious cases** (for example, as in Ludawane, a young, helpless victim to whom the offender owed a moral duty as father; sustained brutal beatings and assaults carried out over 4 days and the sheer brutality of the crime) attracted a start point of 20 years non-parole period (reduced to 18 years for mitigating features in that case).
11. **Generally, serious murder cases** (for example, contract killing, politically motivated killing, multiple injuries or vulnerable child victim) should start around 15 years or higher. **Less serious cases** (for example, where people known to each other lost their tempers or quarrelled) could start at a 12-year non-parole period. The normal start point sentence may be reduced if the case fell close to the borderline between murder and manslaughter or if the offender was provoked.

12. Although the present case has some aggravating features, it was not a pre-meditated killing. Mr. JT, who was angry due to swear words from his deceased brother, acted recklessly and impetuously in getting a long bush knife and using the knife when he hit out at his victim. But I also noted that JT also provoked his elder brother, now deceased, when he took a chainsaw and together with two other relative boys, went to cut down his brother's Nuri tree next to his house.
13. According to the doctor's report, it was not a single blow. There were multiple cuts to the neck, back, chest, abdomen, forehead etc. This is where this case differs from the *Naibae* case that defence counsel relied upon. *Naibae* was a single blow only. The victim here was JT's own elder brother. In most Melanesian cultures or customs, Mr. JT would ordinarily have had an obligation to protect his own brother. His victim died from the wounding and blood loss the same day he was wounded.
14. I found this case is in the generally serious category of murder though bordering between murder and manslaughter. I say this because JT inflicted multiple injuries on the body of his deceased brother. Once JT had the upper hand with a deadly weapon in his possession, he went on a cutting spree because the doctor found multiple wounds on the deceased's body. JT was provoked by the swear words from his deceased brother. But JT also provoked his deceased brother as noted above. I will start at 15 years because this case unlike in *Naibae* involved multiple injuries and stabbings and JT also provoked the deceased, when he tried to cut his Nuri tree down.
15. I identify the following serious aggravating features: -
  - (i) JT obtained a knife which aggravated the assault in two ways. First, he cannot claim his blow was immediately impulsive, because he took time to get the knife from the side of the stool next to the deceased. At that time, he could have just walked away from trouble. Second the knife, a deadly weapon, strongly increased the danger of his action as noted from the doctor's report. There were multiple blows to the victim's neck, back, chest, abdomen and forehead.
  - (ii) The assault was disproportionate in two ways. First, a stab to the neck, back, abdomen, chest or forehead (multiple stabbings) was completely disproportionate to any swearing words Mr. Tony Taumu (deceased) may have thrown at the accused. Second, the deceased/victim was unarmed. It was not an equal engagement.
  - (iii) The killing cut through thick blood ties and the unfortunate loss of life between biological siblings and the Court must denounce such acts in the strongest terms, because brotherhood and home are the social safety net for the family and should not be turned into a crime scene for family members.
  - (iv) A father stood by helpless, witnessing his own son kill his other son. This would undoubtedly cause psychological trauma and nightmares for the grieving father.
16. In general, aggravating features in a murder case, should generally be counted in substantial steps – in years rather than in weeks or months. In this case, I add 5 years to the non-parole

period because of the aggravating features. Accordingly, I raise the non-parole period from 15 years to 20 years.

17. Mr. JT did not plead guilty at the first opportunity, but his guilty plea, albeit later, saved trial time and expenses. I noted he entered a not guilty plea twice before Justice Kouhota (on 11/2/2025) and the DCJ, Justice Faulkona (on 2/6/2025). I shall give a 20 percent reduction instead of the normal 30 percent allowable for genuine early guilty pleas. This comes to 4 years.
18. Mr. JT is a first-time offender, with no previous conviction and he cooperated well with the police, resulting in the early disposal of this matter, only a year later. I reduce his non-parole period by another 3 years.
19. Because of the mitigating features, I reduced the non-parole period by 7 years. This results in an effective non-parole period of 13 years.
20. **Mr. JT you are convicted of the murder of Mr. Tony Taumu, your very own brother and I sentence you to life-imprisonment, on the basis of your guilty plea, premised on agreed facts. I impose a period of 13 years non-parole period before you may be entitled to apply for parole. This term begins as of April 2024.**

  
 JUSTICE JOHN A KENIAPISIA  
PUISNE JUDGE