

**IN THE HIGH COURT OF SOLOMON ISLANDS****CRIMINAL JURISDICTION****Criminal Case Number 65 of 2024****REX -V- JOHN LAUFILU JUNIOR****Date of Hearing: 15/08/2025.****Date of Sentence: 26/08/2025.***Counsel; Ms. Oroi and Ms. Luza for the Crown.**Counsel; Mr. Alasia for the Defendant.***KENIAPISIA; PJ:****SENTENCE**

1. Mr. John Laufilu Junior (JLJ), I convicted you for 3 counts on **1 May 2025**. The verdict however was read out on **8 July 2025** following the successful execution of a warrant of arrest. For count 1 on common assault, I convicted you premised on your guilty plea. For counts 2 and 3 (both on rape), I convicted you after trial. The remaining issue is to determine the appropriate punishment for the 3 offence convictions.

***Gravity of the 3 offences***

2. The 3 counts are all serious, even though the maximum penalty for count 1 (common assault) is 1-year imprisonment. In the verdict, I found that the victim, Selleena Bakote'e (SB) could have died because JLJ assaulted very sensitive parts of her body (see paragraph 6 (xv) of the verdict).
3. For the remaining counts 2 and 3, they are very serious as reflected in the maximum penalty available (life imprisonment). The other serious aspects of these 2 crimes are physical violence, threat and the use of a deadly weapon. SB was threatened with a knife and was belted with an electric cable. In the verdict I found that SB was held hostage, tortured and intimidated and thereby she surrendered her will and body for sex with JLJ (see paragraph 14 (i) – (v) of the verdict). This amounts to rape.
4. In addition, rape is a serious physical and moral violation of the victim. It demeans the victim's human dignity, self-esteem, self-pride, virginity and moral standards of human existence for the female victim. These unseen values and attributes make a female victim a complete human being. When you take away these values, the victim becomes a demoralised person.

***Sentence for count 1 – Common assault***

5. In terms of count 1, I will impose a final head sentence of 6 months imprisonment. I do not spend much time talking about the justifications. The maximum penalty of 1-year imprisonment is too small. Determining the starting point, aggravation and mitigation seems like an unnecessarily detailed process, especially given that whatever sentence term is imposed, it will be subsumed into the sentences for counts 2 and 3, the more serious offences. The crown submitted that I should impose a concurrent sentence.

***Sentence for count 2 – Rape***

6. The starting point sentence for count 2 is 8 years because the victim is an adult and this is a contested matter (*Bade, Court of Appeal 2023*). This same starting point will also apply to count 3. Defence counsel conceded with this starting point as the Court of Appeal has set the sentencing tariff and is binding. There is not much space for more argument.
7. I identify the following serious aggravating factors: -
- (i) **Pre-planning.**
  - (ii) **Weak and vulnerable.**
  - (iii) **Physical harm or pain and suffering from the physical assault.**
  - (iv) **Position of trust breached.**
  - (v) **Psychological harm and trauma.**
  - (vi) **Abuse committed in the home at night.**
  - (vii) **Use of weapon and intimidation/threat/violence.**
8. For all of the above 7 serious aggravating factors combined, I will uplift the start point sentence by 7 more years (1 year for each aggravating factor). Increases due to serious aggravation should be made in years and not merely in weeks and months (*Bade, Court of Appeal 2023*). The aggravated head sentence before mitigation is 15 years.
9. The aggravated head sentence will be reduced due to the following mitigating factors: -
- (i) **First time offender with no previous conviction – 1 year**
  - (ii) **Rehabilitation – I give a big reduction of 5 years because JJJ is a young man and he will get rehabilitation in the correctional services and come out a better person to reintegrate back into society.**
10. This is a case where I found that the aggravating factors far outweighed the mitigating factors. Consequently, a head sentence of 9 years is warranted (15 years aggravated head sentence minus 6 years reduced mitigated sentence). I impose a final 9 years head sentence for count 2.

***Count 3 – Rape***

11. For count 3, I will impose the same starting point sentence of 8 years. I will also apply the same 7 serious aggravating factors for count 2. The additional aggravating factor for count 3

is repetition. JIJ raped SB twice on two consecutive days on the 28/10/2023 and 29/10/2023. That will bring me to 8 serious aggravating factors altogether for count 3.

12. The aggravated head sentence for count 3 is therefore 16 years before mitigation (starting point sentence of 8 years plus the 8 years for the 8 serious aggravating factors identified for count 3).
13. Using the same mitigating factors for count 2, the final head sentence after mitigation for count 3 is 10 years (16 years aggravated head sentence minus 6 years mitigated reduced head sentence). In many cases, the fact an offence is repeated on the same victim is a matter of considerable aggravation, which can properly and understandably increase the sentence for the subsequent offence (*Abana, Court of Appeal 2024*). The sentence for count 3 is therefore higher than the sentence for count 2.
14. I will make the sentence for count 1 and 2 to run concurrent with the sentence for count 3, due to the single transaction principle because JIJ committed the 3 separate offences on the same victim, even though they were spread over 2 consecutive days. The defendant will serve 10 years imprisonment sentence term only. The prosecutor agreed with a concurrent sentence.
15. When I stand back and look at the circumstances of this case, I can say that the merits justify the sentence term imposed. Counts 2 and 3 are serious, as reflected in the maximum penalty parliament has prescribed (repeat paragraphs 2, 3 and 4). Mr. JIJ being a young aged offender (29 years) has the potential to learn in the correctional centre and come out a reformed person to reintegrate back into society. Hence a 10 years' concurrent imprisonment term is a good time to get rehabilitated.
16. The final orders of the Court are: -
  - (i) Count 1 – 6 months.
  - (ii) Count 2 – 9 years.
  - (iii) Count 3 – 10 years.
  - (iv) Sentences for counts 1 and 2 to run concurrent with the sentence for count 3.
  - (v) JIJ will serve 10 years imprisonment term.
  - (vi) JIJ is entitled to pre-trial detention (if any).
  - (vii) This sentence term will start to run from the time the warrant of arrest was executed and JIJ was detained in custody before his verdict was read out on 8/07/2025.

