

IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 570 of 2015



REGINA

v.

Syriel MALOLOIRIAM

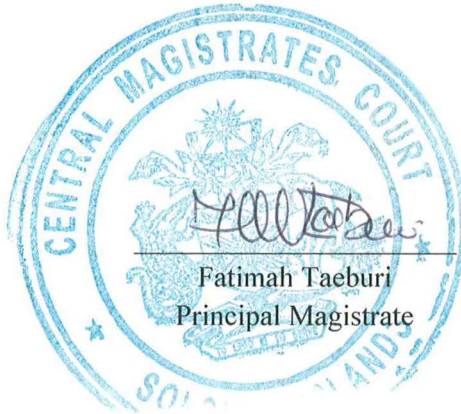
Mr. Kekou for the Prosecution
Mr. Kwalai for the Defendant

SENTENCE

1. You pleaded guilty to the following offences;
 - a) Unlawful wounding;
 - b) Common assault;
 - c) Malicious damage, and;
 - d) 2 counts of criminal trespass;
2. There are 3 different victims in your case.
3. On three different occasions you went to the houses of your victims.
4. You physically assaulted all of your three victims.
5. At one place, you threw stones at the house and caused damage.
6. You were drunk on all occasions.
7. I find the following aggravating factors in your case.
8. You used a stone to cause the injury on one of your victims. I consider the stone as a weapon.
9. You had no respect for these people's houses and properties. If there is one place in the world where a man is supposed to feel safe and secure, it is in his own home. You have infringed into the privacy of these victims and have threatened their sense of security inside their own homes.
10. You assaulted not one but three people that night.
11. I consider the injury and the suffering and pain that the victim of the unlawful wounding charge has experienced.

12. You were drunk.
13. You were in the company of others.
14. There were women and children inside the house in which you damaged. I can only imagine the fear and the terror that they have experienced at the time.
15. You have a previous conviction on arson. I take note of the fact that the previous conviction was entered after you have already been charged for the current offences. But the fact of the previous conviction means that I cannot consider you as a first time offender.
16. In mitigating on your behalf, I take the following factors into account.
17. You pleaded guilty to the charges. You have shown remorse by doing so and I give you credit.
18. Your young age. I accept that your plea of guilty and your young age make you a good candidate for rehabilitation.
19. I also consider the fact of delay in this case. You have been charged in 2015. It has been two years since proceedings were instigated against you.
20. The maximum for unlawful wounding is 5 years imprisonment.
21. The maximum for common assault is 1 year imprisonment.
22. The maximum for malicious damage is 2 years imprisonment.
23. The maximum for criminal trespass is 3 months imprisonment.
24. I note that the sentencing range for unlawful wounding is 18 months to 4 ½ years imprisonment.
25. I am satisfied that in the circumstances of your case the following sentences are appropriate;
 - a) Unlawful wounding – 1 ½ year imprisonment;
 - b) Common assault – 6 months imprisonment;
 - c) Malicious damage – 6 months imprisonment;
 - d) Criminal trespass – 1 month imprisonment for both counts.
26. All sentences are to be served concurrently. In total you are sentenced to 1 ½ years imprisonment.
27. The sentence imposed here is to be served consecutively to the sentence that you are currently serving for the offence of arson.
28. The time that you have spent in custody is to be taken into account.

29. Right to appeal within 14 days.



Fatimah Taeburi
Principal Magistrate