

IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 17 of 2017

REGINA

v.

Allen SELEAU

Mr. Palmer for the Prosecution
Mr. Kwalai for the defendant
13th October 2017

SENTENCE

Taeburi, PM:

1. You pleaded guilty to the following charges;
 - a) Drunk and disorderly in a public place contrary to section 175(d) of the Penal Code;
 - b) Assaulting a police officer contrary to section 190 of the Police Act;
 - c) Resisting arrest contrary to section 190 of the Police Act;
 - d) Malicious damage contrary to section 326(1) of the Penal Code;
 - e) Escaping lawful custody contrary to section 199 of the Penal Code;
2. I enter criminal convictions against you.
3. The facts in your case are as follows;
4. You were drunk and disorderly at the Yandina Station.
5. A female police officer came to arrest you.
6. You assaulted her by kicking her on her stomach.
7. You then left.
8. She came after you to try to arrest you again.

9. You resisted arrest.
10. With the help of others, you were detained and placed in police custody at the Yandina Police Station.
11. You broke the cell door at the station.
12. You then escaped.
13. I find the following aggravating factors;
14. That you assaulted a female police officer who was executing her duties.
15. I also find it aggravating that you damaged police properties.
16. You showed no respect not only to the female police officer but also to the whole police force.
17. I have said this before and I will say it again here, that police officers and police properties must be given our utmost respect.
18. This is because the institution of the police force is very central to the enforcement of our laws and the stability and order in our communities.
19. I will quote what was said by the Honourable Chief Justice Palmer in the case of *Faáfunua v Regina*,¹

Police officers are representatives of the State in the administration of the rule of law and should be respected when they arrive at any scene of crime. They must be allowed to perform their duty in ensuring that peace and normality is restored whether it be in a public place or in a private home. They are mediators of peace, under strict duty and discipline, and are extensions of the arm of the People in so far as law and order is concerned. They have no personal agenda or interest to fulfil when attending a crime scene and therefore should never be treated with hostility. They are there to keep the peace and protect life, limb and property. They can only use such force as is reasonable to diffuse any volatile situation, to disarm an offender or to protect property. When attacked in the manner that the Appellant has done, they cannot retaliate, this is why is so unfair and the courts take a very strong view against attacks against police officers. An immediate custodial sentence must be expected when any police officer is attacked. The length of sentence will depend on the

¹ [2004] SBHCA 131

existence of any aggravating features or the lack of it.....the normal range for this type of sentence would easily fall between 6 – 12 months.

20. I find the following mitigating factors in your favour;
21. You pleaded guilty to the charges.
22. You have no previous convictions.
23. I consider your personal circumstances.
24. I also considered the time that you have spent in custody.
25. The maximum penalties for the offences you committed are as follow;
26. Drunk and disorderly - \$600 fine;
27. Assaulting police officer – 5 years imprisonment or \$5000 fine;
28. Resisting police officer – 5 years imprisonment or \$5000 fine;
29. Malicious Damage – 2 years imprisonment;
30. Escape lawful custody - \$1000 fine or 12 months imprisonment;
31. I consider the following sentences as appropriate;
32. Count 1 – bound over to keep the peace for 1 year in own recognisance and in the sum of \$100;
33. Count 2 – 8 months imprisonment;
34. Count 3 – 8 months imprisonment;
35. Count 4 – 6 months imprisonment;
36. Count 5 – 6 months imprisonment;
37. All sentences are to be served concurrently except for the sentence on count 1.
38. In total you are sentence to 8 months imprisonment.
39. You are to serve your sentence in relation to count 1 after you are released from custody.

40. The time that you have spent in remand for these offences are to be taken into account.

Right to appeal within 14 days.



Fatimah Taeburi
Principal Magistrate