

IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 251 of 2018

REGINA
v.
Jian JING TONG

Before: Principal Magistrate Ms. Fatimah Taeburi
Mr. John Palmer Teula for the Crown
Ms. Kathy Hite for the defendant

Date: 23rd May 2018

SENTENCE

1. You pleaded guilty to two counts of larceny and embezzlement by servant or clerk.
2. I enter conviction against you.
3. Facts;
4. You were employed by the Mr. Henry Kwan who owns Low Price Enterprises as an accountant.
5. Low Price Enterprises is a wholesale and retail merchandise business which operates locally in this country.
6. As the accountant of the business, you were responsible for company's finances and book-keeping,
7. During your engagement with Mr. Kwan's company, you stole 11 cartons of cigarettes. You sold these items and used the money for your personal use.
8. On another occasion you stole \$77, 200.00 from the company.
9. Only part of the money was recovered.
10. The aggravating factors are as follows;

11. There is a breach of trust.

12. In the case of *Fiuadi v Reginam*,¹ the court held and I quote;

Any offence of dishonesty is serious but, when it is committed by a person in a position of trust in breach of the trust placed in him, it is more serious.

Any employee, by the nature of his employment, always has the opportunity to steal his employer's property. The public service and all commercial undertakings can only function properly if they can rely on the loyalty and honesty of the people they employ.

It must be clearly understood that in any offence where a breach of trust is involved a sentence of imprisonment will always be appropriate.

The enormous majority of honest employees who resist the temptation to steal their employer's property must see that those who succumb are punished. It is therefore only in the most exceptional circumstances that it would be appropriate to suspend a sentence of imprisonment imposed for larceny by servant.²

13. I also find that there was premeditation. You have calculated and planned out property how to steal from your employer.

14. You have repeated the offence. You did not steal once. You stole 2 times.

15. I consider the value of the properties stolen as very substantial.

16. You have repaid only a part of what you stole.

17. In mitigation, I take the following factors into account;

18. You pleaded guilty at the first opportunity.

19. It is very clear that you are indeed very sorry for your actions.

20. I take into account that you have no previous convictions and that you are a very young woman.

21. The appropriate sentence in my view is 1 ½ years imprisonment.

22. The time spent in custody is to be taken into account.

¹ [1989] SBHC 17

² Ibid

23. Right to appeal within 14 days.

