

**IN THE CENTRAL MAGISTRATE'S COURT
OF SOLOMON ISLANDS**

Criminal Jurisdiction

Criminal Case Number 239/2017

On the 24th day of July 2018
Before Deputy Chief Magistrate Ricky Iomea

BETWEEN: REGINA

AND: MARTIN ADOA

Rajah P. Abe for the Prosecution
William Kadi for the Accused.

SENTENCE

The Accused, Martin Adoa is charged with one count of Official Corruption contrary to section 91(a) of the Penal Code. He pleaded guilty to the charge on 3rd July 2018. He had earlier pleaded not guilty to the charge.

The agreed facts on sentencing.

The defendant is Mr. Martin Adoa. He is from Bugotu District, Vulavu village, Isabel Province.

The Complainant is Mirriam Sei Ma of Sikaiana, Malaita outer islands, Malaita Province, wife of Bobby Ma, a Chinese business person and owner of KY Hardware shop at China town.

The defendant was employed by the Public Service under the Royal Solomon Islands Police Force. He is ranked as a Sergeant with the rank number 971.

He began his employment as a Police Officer in 2001. He has been a Police officer for 15 years.

In 2016, the defendant in his capacity as a Police officer was stationed at the Kukum Police Station.

On the 31st of January 2016, a person by the name of Mirriam Sei Ma (Complainant) was apprehended by the Police at China town area for travelling in the opposite direction of the one way road.

She was escorted to Kukum Police Station to be formally charged. After arriving at Kukum Police Station, the complainant was processed and was formally charged for Careless driving contrary to section 40(1) of the Road Transport Act (Cap 131).

The Complainant returned to Kukum Police Station the next day (01/02/16) to enquire about a part in the charge sheet where there is a sum of \$5000.00 under the words "Principal Bail". The Complainant asked some Police officers

who were standing outside the Police Station and was directed to see the defendant.

The Complainant went and spoke to the defendant in the Kukum Police Station and enquired about the sum of money mentioned in the charge sheet, and where she could pay the fine.

She was instructed that that was the fine she was to pay at the Magistrate's Court. She was then advised by the defendant that he would come and see her at her shop about the matter.

The defendant obtained the address of the Complainant's KY Hardware shop from her and also told her to burn the charge sheet and return to her shop. However, Mrs Ma did not burn the charge sheet.

The defendant then called in at the shop on the same day (1st/02/2016) and asked for the SBD\$5000.00. A sum of \$5000.00, in cash was given to Mr. Adoa, the defendant in an envelop. The defendant then asked for the charge sheet on which he marked an "X" across the charge sheet.

The Complainant advised the defendant that she needed a receipt for the transaction.

The defendant then returned to the Police Station and brought a typed out document certifying that the complainant's fine was handed safely to Police and signed by both the Complainant and the defendant.

The traffic charge against the complainant was never filed in court until this day.

On the 2nd of February 2016, there were discussions about the payment in the KY Hardware shop when another Police Officer overheard the discussions. This Police Officer then advised that the actions by the defendant were unlawful and that it should be reported.

The matter was eventually reported and Mr. Adoa, the defendant was charged for Official Corruption contrary to section 91(a) of the Penal Code.

On a later date, the defendant returned \$2500.00 to the Complainant through the Complainant's brother, Jeffrey Pasio. The other \$2500.00 was used by another Police Officer.

On 1st May 2017, the defendant repaid another amount of \$5000.00 to the Complainant with the understanding that both parties did not want to pursue the matter in court.

Aggravating factors

The defendant was a Police Officer, with the rank of Sergeant in the Royal Solomon Islands Police Force. He breached the trust. As a Police Officer he was entrusted to uphold, maintain and enforce the rule of law within the society, instead, the defendant used his position to obtain financial benefit in the discharge of his duties. He abused his authority and capitalised on the complainant's lack of understanding about the purpose of the principal

bail to prey on the complainant, an ordinary member of the society to give him the \$5000.00.

As submitted by the Crown, his action brings disrepute to the Police Force and it is the kind of action that erodes public confidence and trust in the Police Force.

Mitigating factors

The defendant has pleaded guilty to the charge not at the first available opportunity but as the matter was about to go to trial. Although it is a late plea, it is still a demonstration of remorse by the defendant and the plea has saved the court's time and resources in running a trial into the charge.

I note as agreed by the Prosecution and the defence that the money was returned to the complainant by the defendant. The defendant was a Police Officer at the time of the commission of the offence so clearly he has no prior criminal record. The defendant is married with three children, the eldest is aged 10 and the youngest is 6 years old.

Sentencing remarks

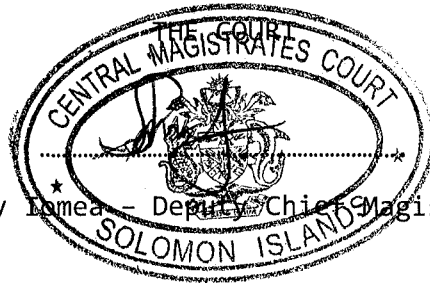
As the Courts have said in past corruption cases, official corruption is a serious offence and deterrence of others is an important consideration. I share the same view in this case and deterrence will certainly form one of the main basis for the final sentence that will be imposed in this case.

Having considered the facts of the case, the features of aggravation that are present, the personal circumstances of the defendant and the principles or aims of sentencing, in particular the principle of deterrence, I am of the view that an immediate custodial sentence is warranted. The only issues are, how long and whether it be suspended or not. I am of the view that the circumstances of this case and inclusive of the aggravating factors present, a starting point of 2 years imprisonment is appropriate. To reflect the plea of guilty, the refunding of the money to the complainant and the fact that the defendant has lost his career and source of income as a result of the conviction, 6 months will be deducted from the 2 years. The total effective sentence therefore is 18 months imprisonment.

While I sympathize with the effect that incarceration will have on the family of the defendant, the Court has a duty to impose punishment for breaking the law. The sentence must sufficiently reflect public denunciation of corrupt practices and the need for deterrence of corrupt practices within the Public Service and the society at large. I do not think that the sentence should be partially or entirely suspended.

Orders

The Accused is convicted and sentenced to 18 months imprisonment. The sentence commences today.



Ricky Lomea - Deputy Chief Magistrate