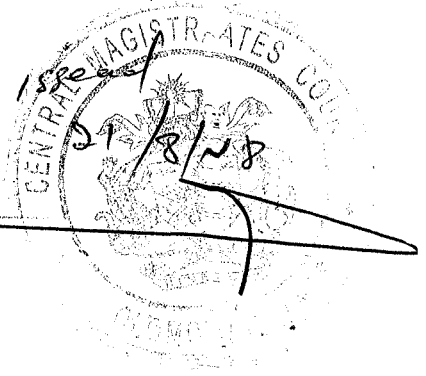


**IN THE CENTRAL MAGISTRATES' COURT
OF SOLOMON ISLANDS**

Criminal Jurisdiction

Criminal Case No. 372/2018

On the 20th day of August 2018
Before Deputy Chief Magistrate, Ricky Iomea



BETWEEN: REGINA
AND: REGINALD ELOGA

Bradley Dalipanda of the ODPP for the Crown
Ron Dicky Pulekera of Public Solicitor's Office for the Accused

SENTENCE

You have been convicted on your own guilty plea to the charge of Grievous Harm contrary to section 226 of the Penal Code. The maximum penalty for this offence is 14 years imprisonment. The maximum clearly reflects how serious the Legislators view this offence.

On the night of 1st April 2018, a Sunday, you attended a fundraising with your wife at Rauni village in North East Guadalcanal. The fundraising included card games and followed by dancing.

You were playing the card game when one Gabriel Leua Kiki came and asked you for beer. You were not happy and therefore an argument ensued. You told Gabriel that he was disturbing you and not to act like a small child. You later went and apologised to Gabriel but Gabriel began to shout and challenged you. You then decided to walk away from Gabriel.

You left and walked away to Koivo village with your wife and arrived there at around 12 am midnight. Later, you and your wife returned again to Rauni village. At that time you were carrying a long bush knife, which was about 26 inches long.

When you and your wife reached Rauni at a house close to where the dance was, you stood there whilst your wife went to call your father at Thugea's house to come and see you.

At the Thugea's house a John Junior held your wife and asked to dance with her. However, your wife refused in fear of you. You then walked towards the road and your wife followed you. You then asked your wife if she was having an affair with Junior John.

You then proceeded to Nester Tiboe's house and saw John Junior. You then accused John Junior of holding your wife's breast and said to him the words to the effect "... bae me offum you. Bae me cutting you die..."

You then asked for compensation to which you were given one thousand dollars. You then left Rauni and walked to Siroa after you received the compensation. This was in the early morning of Monday 2nd April 2018. You arrived at the house of your in-law Silas Manebosa and called for him. His wife woke up and came out. You were still in possession of the long bush knife in your right hand. You then left to the bottle shop where you met Silas Manebosa.

Not long, the victim John Maetoto arrived at the bottle shop and talked with Silas Manebosa. He (John Maetoto) was holding a long bush knife in his hand and told Manebosa that he wanted to see you, to talk about what you had caused at Rauni.

Silas Manebosa told him not to see you as you were holding a long bush knife. The victim replied Manebosa that he would not do anything but just to talk to you. The victim approached you at where you were standing, close to a kitchen house and talked to you saying "why nao you askem compensation lo John Junior?"

You then cut the victim with the long bush knife you had in your hand. The victim therefore fell helplessly to the ground and was bleeding profusely.

You then escaped to GRPOL 3 and called the Police emergency number and reported what you did and your location. You were arrested and during your interview, you admitted what you did to the victim.

The medical report by Dr Alex Munamua revealed that the victim suffered a big wound on the dorsal aspect of the right forearm exposing the whole extensor compartment with all the extensor tendons cut both muscles as well. Both ulna and radius bones were roughly fractured as well by the injury. Both bones were fixed with plate and screws and the extensor tendons too were apposed with stitches. According to Dr Munamua, the victim will require more surgery to repair the tendons cut from the primary injury due to the seriousness of the injury, hence will have to be admitted again for that procedure.

The victim remained in hospital until 30th of April 2018 when he was discharged.

What aggravates your offending is that you committed the offence with the use of a deadly weapon, a long bush knife. The injury sustained by the victim was serious as reflected in the medical report as outlined in the facts above. The victim would require further surgery to repair the tendons cut and therefore will be admitted again.

In terms of mitigating factors, you have demonstrated remorse by pleading guilty to the offence at the first available opportunity. Your plea of guilty also indicates a willingness to accept responsibility for your action and face the consequences.

Your willingness to accept responsibility was demonstrated immediately after you committed the offence when you decided to give yourself up to the Police by calling the Police and informing them of what you did and instructed them of your location which led to your arrest. You have cooperated with the Police.

There is nothing to indicate that you have planned what you did. I accept that there is no pre-planning.

There is nothing to suggest that you have any previous criminal conviction. I treat you as a first time offender.

I noted that a reconciliation had been conducted, through which you have apologised to victim and compensation paid. The significance of which is that peace has been restored between you, your family and the victim and his family.

I also take into account that you are a family man, with responsibilities to the family members who are depending on you for their wellbeing and survival. Your imprisonment has certainly affected them and they will continue to feel the effects of your prison sentence. A longer prison sentence will further

increase the impacts on them, which I am not prepared to prolong. You, yourself is to be blamed for the negative impacts that your prison sentence will have on your family.

I have had the opportunity to consider the sentences that the courts in this jurisdiction have imposed in past cases where accused persons had also pleaded guilty to this same offence. I must say that they serve as useful sentencing guidelines in considering the sentence to be imposed in this case. However, as widely accepted, no two cases are the same, so each case must be treated on its own unique set of facts, when deciding the appropriate sentence to be imposed.

In deciding the sentence to be imposed in your case, I am also mindful of the Court's duty to continue to send a deterrent message to the Public that this kind of offending is totally unacceptable.

In view of the seriousness of the offence as reflected by the maximum penalty provided and taking into account the aggravating features present, I am of the view that the appropriate starting point is 3 years imprisonment. Taking into account the mitigating factors, including your plea of guilty and the fact that you are a first time offender, I will deduct 6 months.

So the total effective sentence to be served is 2 ½ years imprisonment. This is backdated to commence on the 4th of April 2018, the day you were first remanded at the Rove Correctional Centre.

Right of appeal apply.

