

IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 716 of 2018

REGINA
v.
Philip MANGO



Before: Principal Magistrate Ms. Fatimah Taeburi
Mr. Elison Konle for the Crown
Mr. Samuel Balea for the defendant

Date: 19th September 2018

SENTENCE

1. You pleaded guilty to one count of assault on police officer contrary to section 190 of the Police Act 2013.
2. I enter conviction against you.
3. You assaulted the complainant in this matter who was a police officer at the time and still is a police officer. At the time of the incident, the complainant was not on duty. He was in ordinary clothes. Before you assaulted him, you said to him, "iu nao all blacks, iu fala raidim mifala olowe. Bae iu findem ansa blo iu distaem". I find that you knew that he is a police officer at the time and that was the reason for assaulting him. You then punched him once on his chin with you right closed fist.
4. I find the following aggravating factors;
5. That you assaulted the complainant in relation to his line of duty as a police officer. Not only that, the reason you assaulted him was due to something he has done in discharging his official duties. The RSIPF and especially the Rapid Response Team (which the complainant is a member) are mandated to enforce the law. Therefore they have the legal authority to raid any premises where it is suspected to be involved in any illegal sell of alcohol. That is a legal authority that no one should interfere with.
6. I must also state that police officers must never at any time feel threatened or intimidated in carrying out their official functions. This is because their functions are crucial to the maintenance of law, order and peace in any society. Therefore anyone

who assaults, threatens or intimidates any police officer in their line of duty will be punished by these courts.

7. I find the following mitigating factors in your favour.
8. First, that you pleaded guilty at the earliest opportunity. Your case would have been completed sometimes ago if your lawyer had not delayed the proceedings until today.
9. You are a young man and I accept that there is possibility of rehabilitation.
10. You have no previous convictions.
11. You have spent about 2 months in custody for this offence.
12. I consider your personal circumstances as well.
13. The maximum penalty for assaulting a police officer is \$50,000 fine or 5 years imprisonment.
14. I take note of case authorities that your lawyer has referred me to. I also take note of the remarks made by the Honourable Chief Justice in the case of *Fafunua v Regina*,¹ in which it was stated, “.....*the normal range for this type of sentence would easily fall between 6 – 12 months.....An immediate custodial sentence must be expected when a police officer is attacked. The length of sentence will depend on the existence of any aggravating features or lack of it....*”
15. In the circumstances of this case I am satisfied that the appropriate sentence is **6 months imprisonment**. I will not suspend any part of it. The time spent in custody is to be taken into account.
16. Right to appeal within 14 days.



Fatimah Taeburi

Ms. Fatimah Taeburi
Principal Magistrate

¹ [2004] SBHC 131