

IN THE CENTRAL MAGISTRATE'S COURT  
OF SOLOMON ISLANDS

Criminal Jurisdiction

Criminal Case No. 918/2018

**R V NICK PITAMAMA**

On the 13<sup>th</sup> day of November 2018

**SENTENCE**

Prosecution: Sgt Konle of Police Prosecutions

Defence: Self-Represented.

Mr Pitamam you were found guilty after trial and convicted on one count of Intimidation and molestation contrary to section 231 (1) of the Penal Code.

Section **231.**-(1) states;

Any person who intimidates or molests any other person shall be guilty of an offence and liable to imprisonment for three years.

The victim in your case is a 12 years old girl. The relevant facts, in summary, as established beyond reasonable doubt and upon which you were convicted are that you, on 21<sup>st</sup> August 2018, intimidated and molested the victim.

The manner in which you talked to her, asked her a number of questions, offered her money and asked her to go with you home made her afraid and frightened. As established, you were a complete stranger to her at that time. She had to run away from you and cried.

What aggravates your offending is that the victim is a 12 years old child. You knew that she did not know you and yet you insisted on having conversation with her even though she had made it clear to you that she had to go back to her home. You then offered her money to try and convince her. The manner in which you talked to her made her afraid and had to run away.

I noted that you have a total of 44 criminal convictions. In your written mitigation submission, you asked me not to consider your previous convictions on the basis that those convictions

were in relation to house-breaking and burglary. I have looked through those records and I am satisfied that they were mostly convictions for house-breaking and burglary. There is no record for the offence of intimidation and molestation. On that basis, those previous convictions are not relevant. Thus, there is nothing to suggest that there is any tendency on your part to committing this type of offence.

Your last conviction was on 21<sup>st</sup> December 2013 for the offence of Office breaking to which you were sentenced to 42 months (3 years 6 months) imprisonment.

What can be deduced from the list of previous convictions and sentences is that they have little or no rehabilitative effect on you. You have not really desisted from committing crimes.

In your mitigation, you urged me to realise and know that you represent some, if not, most of the youth in this country who have been rejected and neglected.

You submitted that the root cause of crime in this country is rejection. You submitted that there are children who have no father, being rejected by their mothers, without formal education and have been neglected by today's society. You submitted that you are one of those.

I understand that this is a sad reality faced by some members of our society and therefore necessitate the call for everyone, including the government to work together and find ways to best address this kind of problem.

While I sympathise with the plight of some of the unfortunate members of this country, in my view being rejected and neglected is not an excuse for resorting to committing crimes. There are still ways of earning a living and survive in today's society even without, for instance, formal education.

In your submission you extend your apology to the victim and her family for what you did.

Having considered that facts, the aggravating feature and the mitigation factors in your favour, I am of the view that the appropriate sentence to be imposed on you is 6 months imprisonment, and to be back dated to when you were first taken into custody for this offence.



Ricky Iomea - Deputy Chief Magistrate.