

IN THE HONIARA CENTRAL MAGISTRATES COURT DISTRICT OF
SOLOMON ISLANDS
(Criminal Jurisdiction)

CRIMINAL CASE NO. 927 of 2019

BETWEEN:

REGINA

Complainant

AND:

Brandy Armstrong Zole and Menbilly Mathias Armstrong

Defendant

*Before: Emma Garo Chief Magistrate
Police Constable Oneone for Police Prosecution
Mr. Rodney Manebosa Public Solicitors Office for the
defendants*

Date of hearing: 2nd December 2019

Date of ruling: 9th December 2019

SENTENCE

INTRODUCTION

1. You both pleaded guilty to 1 count of causing grievous bodily harm contrary to section 226 of the Penal Code Cap 26.
2. The maximum penalty for this offence is 14 years imprisonment.
3. The relevant facts agreed to are:



"On the 23rd of September 2019, at about 4:00am the complainant and his girlfriend were sitting in front of a market stall at the Mbokonavera area. You both approached the complainant. Defendant Mr. Zole turned on the light on his mobile and pointed into the eyes of the complainant. The complainant asked who are you? The complainant informed you that he was a serving correctional officer. You defendant Mr. Zole then responded by saying "Ma kind man olsem ya ia na ia". Then with your right hand closed fist punched the complainant on his left eye. The complainant then hit you back on your shoulder. It was at this point in time that the defendant Menbilly joined in and kicked the complainant. You defendant Zole then tackled the complainant and during the fight you both rolled down the cement path on the side of the drive way. The defendant fell and hit his jaw heavily on the cement. The defendant lost a tooth, suffered bodily pain and injuries to his face."¹

MITIGATING FACTORS

4. Defendant Zole you are 23 years old. You completed from 6 Secondary Education. You currently do preliminary studies at the University of the South Pacific Centre Honiara Campus.
5. Defendant Mr. Menbilly you were doing Form Five studies at White River Community High School this year but because of difficulties with meeting the school fees you left school.

GUILTY PLEA

6. I accept that you both have entered guilty pleas at the first opportunity. This is indicative of a willingness to own up to and take responsibility for your actions. I also accept that your guilty plea is indicative of remorse on your part.

COMPENSATION

¹ Refer to agreed facts filed with court on 2nd December 2019

7. I accept that the next day you paid \$20.00 compensation to the complainant and that he accepted the \$20.00. This must be taken in your favour to show that you have taken the first step in taking responsibility for your actions.

FIRST OFFENDERS

8. You are both first offenders. This is the first time you have both appeared before the Courts for offending against the law. I take this into account to reduce any sentence to be imposed on you.

YOUNG OFFENDERS

9. I accept the submissions by Mr. Manebosa that in the circumstances of this your case, despite having reached the legal age of 18 years and above, you should still be considered as young offenders. Whilst I accept this, I am obligated by law to remind you that being young persons does not give you the licence to go and assault anyone for no reason as you did to the complainant in this case.

AGGRAVATING FEATURES

10. You committed the offence at 4:00am in the morning. This is an aggravating feature because you committed the offence in the night when you were expected to be in bed sleeping.

11. From the agreed facts, the attack on the complainant was unprovoked. I also point out that from the agreed facts; the complainant informed you that he is a serving CSSI officer. You disregarded this and went ahead and attacked him.

This is serious because it shows you have no respect or fear of the law and law enforcement officers.

12. From the agreed facts the complainant lost a tooth. Dentists before they extract a tooth normally use anaesthetic to assist in extracting the tooth. In this case, the complainant lost a tooth as a result of the fall. Little must be left to the imagination that the complainant, must have suffered a huge fall to have resulted in him losing a tooth and further, that, immediately thereafter, and prior to getting treatment, the complainant must have gone through a lot of pain and suffering. A punishment to reflect this pain and suffering that the complainant experienced must be imposed by the court.

13. In the circumstances of your case, I am of the view that the starting point is one of 2 years imprisonment. Taking into account the factors that mitigate in favour of reduction of sentence in your favour, I sentence you to 12 months imprisonment. Time spent on pre-trial detention is to be deducted from sentence imposed.

Dated this 9th day of December 2019

Emma Garo
Chief Magistrate

