

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

CRIMINAL JURISDICTION

CMC-CRC No. 38/2019

REGINA

V

Richardson Raomae

Date of Sentencing hearing: September 16, 2019

Date of Sentence Ruling: September 18, 2019

Staff Sergeant Teula for Prosecution.

Accused in person

SENTENCE

Introduction

1. The Accused, Mr Richardson Raomae was charged with Presence of alcohol in person's blood contrary to section 43A(a) of the *Road Transport Act*.
2. He pleaded guilty to it and I convict him.
3. The maximum penalty of the offence is a fine of \$10,000.
4. I now sentence him.

Facts

5. The facts were tendered to the court and it was read in pidgin to the Offender. The facts was that on 1st January 2019 at about 4am, the Offender drove his vehicle, a red Hyundai registration number X-1606 on the road at the front of Rove Police Head Quarters. Before driving, the Offender have had some beers. A random police check was made with the Offender, at that time, and it tested that the Offender has alcohol in his blood measuring 0.129%. He was charged as a result.

Antecedents of Accused

6. The antecedents of the Offender are:
 - (a) He was 47 years old at the time offending;
 - (b) Married;
 - (c) Have four children;
 - (d) No prior convictions;

Court's sentence

7. After hearing from the submissions of the Prosecutions and from the Accused person, I make the determination, consideration and sentence the Offender as follows:

Aggravating Factors

(a) The offending happened at night.

Mitigating Factors

(a) Took an early plea at the first opportunity.

(b) The Offender was remorseful.

(c) Personal Circumstances of being married and has four children to support

(d) No previous conviction.

Court Sentence

The offence is prevalent in the community. Festive seasons is not exempted for such an offence. It strictly runs all throughout the year. The Offender is a mature person who should know better.

I have considered the facts and circumstances of the offending by the Offender. It shows of a case that the Offender was trying to be sober and was careful when driving. He drove slowly and then parked to get food and water. Police then allowed him drive to Kukum in his state for the check-up. This is awkward but I will only be confined to the charge which he pleaded guilty to.

For prevalence, deterrence and the aggravating factor, the sentence is \$1,500.

Considering the mitigating factors, I further reduce the sentence by \$500. The sentence is down to \$1,000.

For delay, I consider that the execution of WOA was delayed by Police. The Offender was not a person who intentionally delayed to coming to court. He had reported to the Kukum Police about his matter but was not assisted properly. Until, when he was called to come to court on September 16, he came to court. He voluntarily appeared to court. Had the Police made that arrangement earlier, he would have cooperated and the matter dealt with already. I must give the delay to the benefit of the Offender. I further reduce \$500.

ORDERS

1. The Accused is sentenced to \$500 fine to be paid by 9th October 2019.
2. And in default of the payment of fine, the Accused is to be arrested (WOA to be issued for that) and remanded in custody for 40 days.
3. Right of appeal applies to any aggrieved party within 14 days from this decision.
4. Order accordingly

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THE COURT
Ishmael Kekou – Magistrate First Class

