

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

Criminal Jurisdiction

Criminal Case No. 19 of 2019

On the 15<sup>th</sup> day of July 2019

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Patricia Tabepuda for the Crown.  
Allan Tinoni for the Accused.

<b>BETWEEN:</b>	<b>REGINA</b>	<b>Complainant</b>
<b>AND:</b>	<b>EDWARD REARIUM OFE</b>	<b>Accused/Defendant</b>

**SENTENCE**

The defendant has admitted the offence of Acts intended to Cause Grievous Harm, contrary to section 224 (a) of the Penal Code by pleading guilty to the charge upon arraignment on 28 of May 2019. He is therefore convicted on his own guilty plea.

The particulars of the charge are; that Edward Rearium Ofe of Louna village, Russell Islands, Central Province, on the 16<sup>th</sup> January 2019, did intend to cause grievous harm on Balta Zare to wit by striking him with a mangrove stick to his head.

It is agreed by the Prosecution and the Defence that the defendant is 25 years old and is also from Louna village, Central Islands Province. The Complainant is a nephew of the Accused.

On 16<sup>th</sup> January 2019, the Complainant and the accused and including a group of boys were playing 'Ludo' games at the defendant's house. The defendant won the game and the boys cheered him.

The Complainant was there at that time, dancing and was swinging a stick beside the defendant. The defendant was walking to the kitchen when the said stick hit the defendant. The defendant got angry and kicked the Complainant on his right leg.

The Complainant ran away and said "samfala gud wan, hem na uncle blo mi kilim iu las time ia". Upon hearing that statement the accused then ran after the Complainant.

The Complainant then tried to defend himself by raising a piece of mangrove stick in front of him but the defendant pulled out the stick from him and hit the complainant on his right and left

arms causing injury and eventually hit the complainant's head causing injury of 3 cm in length and 1 cm in width.

While the accused was beating the complainant, someone shouted at him to stop hitting the complainant. The accused stopped and ran away.

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The complainant was brought to a nearby clinic and was treated. He has now recovered from the injuries sustained.

While the defendant was in custody, the complainant and his family and the families of the defendant had reconciled and both parties are now living together peacefully.

The offending is viewed as serious because a weapon, a mangrove stick was used. It was used to hit a vulnerable part of the body, which is the head of the complainant resulting in an open cut wound to the back of the complainant's head.

The defendant could not control his anger. He had the chance to rethink his action after he had initially kicked the complainant and when the complainant ran away but he didn't. Instead, he chased the complainant and continued the assault, resulting in this present charge. Any sentence must be calculated to discourage any future violent reaction by the defendant or other like-minded people, even in circumstances that seems to be provocative.

I have gathered from the cases cited by parties in their submissions that the use of knives as weapons to inflict very serious injuries on victims has attracted custodial sentences ranging from 4 to 11 years imprisonments. I regard this case as falling below those cases.

In view of the above aggravating factors and the circumstances of the offending in this case, I am of the view that the appropriate starting point in this case is 2 years imprisonment.

In terms of mitigation, the defendant has pleaded guilty to the offence when the original charge was reduced to the present charge. It is accepted that a plea of guilty entered when one is aware of imprisonment as a likely sentence to be imposed demonstrates genuine remorse.

I noted that he is a first time offender, a young man with responsibilities to his family. His family has certainly felt the impact of his imprisonment.

I also noted that a reconciliation had been done between the family of the defendant and the complainant.

There is nothing to suggest any pre-planning therefore I accept the submission by Counsel for the defendant that the act was done in the 'spur of a moment'.

To reflect the above mitigating factors, I will deduct 6 months from the starting point of 2 years imprisonment.

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The sentence to be served in prison is 18 months imprisonment. This is back dated to commence on when he was first remanded in custody at Rove.

The Court,



Ricky Iomea † Deputy Chief Magistrate