

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

Criminal Jurisdiction

Criminal Case No. 504 of 2019

On the 30th day of September 2019

Mr. Pitasua for Police Prosecutions

Mr. Harunari for the Accused

BETWEEN:	REGINA	Complainant
AND:	JOEL WASI	Defendant

SENTENCE

The Defendant, Noel Wasi has been charged with two counts of Domestic violence. Count 1 is Psychological abuse contrary to section 4 (1) (c) and 58 of the Family Protection Act and Count 2 is Physical abuse contrary to section 4 (1) (a) and 58 of the Family Protection Act. He pleaded guilty to those two charges and therefore, he is convicted on his own guilty pleas.

The Particulars of the two charges have been particularized in the terms:

Count 1

That Noel Wasi of Maka village at Honiara in the Guadalcanal Province on the 18th June 2019, did psychologically abused Philip Wasi by doing a conduct that insulted him to wit saying "fuckem you, fuckem ass blo iu", "bae mi hitim mouth blo iu" and "by mi killim iu".

Count 2

That Noel Wasi of Maka village at Honiara in the Guadalcanal Province on the 29th June 2019, did physically abused Philip Wasi by doing the conduct that caused him bodily pain to wit punched and wrestled him to the ground.

The agreed facts are:

The defendant in this matter is Noel Wasi. On the 18th day of June 2019 he had an argument with his brother namely Philip Wasi at Papaho area. Philip Wasi is the complainant to this matter. The defendant uttered "fuckem iu! Fuckem ass blo iu" to the complainant. He continued to threaten the complainant and told him "bae mi hittim mouth blo iu and by mi killim iu".

The complainant took off and called the Police. The violence continued until Police arrived and the defendant escaped. The argument and the swearing were done in the presence of

their father and the complainant's wife. The complainant lodged a formal complaint at the Police station thereafter.

On 29th June 2019 a fundraising card game was held at their place at Papaho, organized by the complainant. The defendant at that time appeared drunk and caused a disturbance. He took the cards and threw them away and shouted hostilely at the top of his voice.

Around 6:00 pm the defendant was at the market stall area and took hold of a table and threw it away. All cigarettes that were for sale were scattered over the ground. The complainant then approached and talked to him. The defendant uttered these words, "fuckem you". Then he jumped towards the complainant and punched the complainant and wrestled him on the ground.

The offence of Domestic violence is a serious offence as reflected by the maximum penalty prescribed which is a fine of 30,000 penalty units or 3 years imprisonment or both fine and imprisonment.

The offending in this case is aggravated by the fact that the offending was repeated and the offences were committed when the Accused was under the influence of alcohol.

The complainant is the biological brother of the Accused. There is clearly a breach of trust and a lack of respect for a family member.

The Prosecution had tendered a two records extracted by the Police Prosecution based on their records that shows that the Accused has two previous convictions for Assault Causing Actual Bodily Harm, one conviction for Grievous harm, three convictions for Common Assault and one conviction for Criminal trespass. The offences were in 2015, 2016 and 2018. Various sentences ranging from bound over to 8 months imprisonment were imposed. These convictions were not contested by the Accused. What can be deduced from these convictions is that the Accused has a tendency of involving in violent behaviour. It can be inferred from the fact that he is again back before the court that he has not learned from his past sentences. The Court has a duty to remind him and other like-minded members of the public that engaging in violent behaviour against others and not respecting them cannot be tolerated by the courts. This kind of behaviour has to be deterred.

The Accused has pleaded guilty to the offences. The Court will give him credit for his pleas of guilty.

Having taken into account the facts of the case, the factors of aggravation and the plea of guilty, I am of the view that the appropriate sentences to be imposed are as follows;

Count 1 – A fine of \$1,000.00, in default forty days imprisonment. Fine payable by 4:30 on 18th October 2019.

Count 2 – A good behaviour bond of \$800.00 for 12 months.

The Court


Ricky Lomea - DCM