



Rugitona and Cecil Domo then waived to them. When John Kara saw them waiving, he then turned the boat towards the defendants David Rugitona and Cecil Domo sided their boat alongside their boat. Cecil Domo and David Rugitona then talked with John Kara for a short while and then they pushed John Kara into the sea and then both jumped onto John Kara's boat and attacked the two Complainants by assaulting them. They took from the Complainants a bag containing money, jumped into their boat and then escaped back to Ngella Island. Some of the coins were thrown into the sea.

The defendant David Rugitona and Cecil Domo took a sum of \$55,000.00 from the bag which contained a substantial amount of money and shared it equally amongst both of them, each receiving about SBD\$27,000.00 each.

Both defendants were arrested on the 22<sup>nd</sup> of January 2019 and were charged with one count each of Robbery Contrary to section 293 (1) (a) of the Penal Code.

3. The following aggravating factors are present in this offending:
  - (a) It is apparent from the facts that the defendants were in company of each and others while committing the offence.
  - (b) The offence was premeditated – there was pre-planning by the defendants to rob the complainants and both played active roles in executing that plan.
  - (c) Consequently, the defendants had deprived the Complainants or victims of a huge amount of money. This was a huge financial loss to the complainants.
  - (d) This loss to the victims, was a gain to both defendants. They benefited from the offending.
  - (e) Although no weapon was used, the defendants used personal violence against the complainants. They assaulted the complainants and took off with the bag of money. It can be inferred from the circumstances that the complainants must have experienced fear and been traumatised by what happened, especially when they were at sea.
4. The only mitigating factor for both defendants is their plea of guilty.
5. A deterrent sentence, both general and specific as the Courts continue to emphasise in this kind of offending is of no exception in this case. This kind of unlawful behaviour is on the rise as observed by the Court from the number of cases coming before the Court in the past and recently.
6. Members of the society, whether local or foreigner should go about their daily lives, activities and conduct their businesses in an environment that is safe, secure and free of this kind of unlawful behaviour. Thus, this Court has a duty to remind the defendants and other like-minded persons that the courts will not allow or tolerate such behaviour


and will continue to impose sentences that aim at deterring this kind of unlawful conduct and protect the public.

7. The plea of guilty clearly demonstrate remorse on the part of the defendants and indicates a willingness to accept responsibility for their actions.
8. I noted that the defendant David Rugitona has no previous conviction. The defendant, Cecil Domo has previous convictions for fishing with dynamite and arson. For the arson charge he had served 2 ½ years in jail in 2017. The Court is aware of this conviction for the offence of arson as it was this Court that imposed the sentence. The defendant, through his Lawyer confirmed in court that he had served the sentence of 2 ½ years. He is again back before this Court. His return to court suggests that that the prison sentence had not dissuaded him from committing this present offence. He must be reminded again that engaging in criminal activities will likely to result in the Court exercising its duty to interfere with his personal liberty.
9. I am of the view that having considered the facts, the aggravating factors, the objective seriousness of the offence and the need for deterrence, an immediate custodial sentence is called for and the appropriate starting point for both defendant is 5 years imprisonment.
10. To reflect the pleas of guilty, the Court will deduct 12 months from the head sentence. For Cecil Domo, I will add 6 months as he has reoffended after serving time in prison.

#### Orders

- (a) Both defendants are convicted on their own guilty pleas.
- (b) David Rugitona is sentenced to 4 years imprisonment.
- (c) Cecil Domo is sentenced to 4 years 6 months imprisonment.
- (d) The sentence for both defendants is back-dated to commence on 10<sup>th</sup> October 2019 when they were remanded pending sentence.
- (e) Time spent in custody before they were released on bail to be deducted from the sentences imposed. I will leave that to the Correctional Services at Rove.

THE COURT



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Ricky Iomea Deputy Chief Magistrate.