

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

Criminal Jurisdiction

Criminal Case No. 487/2019

On the 6<sup>th</sup> day of November 2019

Mr. Maelanga for Police Prosecution.  
Mr. Manebosa for the Accused.

<b>BETWEEN:</b>	<b>REGINA</b>	<b>Complainant</b>
<b>AND:</b>	<b>STANLEY BOSA</b>	<b>Accused</b>

**SENTENCE**

The Accused, Stanley Bosa is facing one count of Criminal trespass contrary to section 189 (1) (a) of the Penal Code and one count of Unlawful wounding, contrary to section 229 of the Penal Code. On 18<sup>th</sup> October 2019, he admitted the two charges by pleading guilty to the charges. Accordingly, he is convicted on his own guilty pleas.

The maximum penalty for the offence of criminal trespass is three months imprisonment and for the offence of unlawful wounding, the statutory maximum provided is five years imprisonment. The maximum penalties are set by the legislators and reflects how serious they view these offences. The maximum penalty is reserved mainly for an offending categorized as a worst type of offending.

The facts constituting the offences are agreed and tendered. They form a crucial basis for the sentencing consideration in this case. The facts are and I quote;

1. "The defendant Mr. Stanley Bosa is a 25 years old native of Nughu village, Aola, East Central Guadalcanal, Guadalcanal Province.
2. He was remanded at the Rove Correctional Centre on the 21<sup>st</sup> June 2019 and no previous conviction.
3. The victim Mr. Allen Syria is 25 years old male of Komungelea village, East Central Guadalcanal. Mr. Syria is married to Mrs. Fred Vataghi, a 26 years old female from Tatava Moga, East Central Guadalcanal and they have two children.
4. On June 12<sup>th</sup> 2018 at about 1000 hrs at Komungelea village, the victim left the other end of the village and went back to his house.
5. The defendant approached the victim and asked for home tobacco (lekona). The defendant asked, "Bro me likem smoke" to which the reply was "Smoke na you drinkim ya, yu smokem shitty blo yu".
6. The defendant did not say a word as the victim went back to his house. The defendant then went back to his house further inland.
7. The victim and his wife were having tea at the house when they heard the defendant shouting and come (sic) towards their house.

8. The defendant went and stood in front of the victim's kitchen. He was shouting and seemed drunk.
9. This caused the wife of the complainant to be frightened and ran out of the kitchen to go and seek (sic) her brother in-laws (sic) assistance. The brother in-law came and earned the defendant to go back to his house. The brother in-law and the victim, who is his brother, then stoned the victim (sic)/defendant and the brother in-law hit the defendant with a piece of timber two times causing injury to his head.
10. The victim then picked up a stone and was ready to throw it at the defendant, when he pulled out his knife from his billum that he was carrying and stabbed the victim.
11. The knife penetrated straight into the victim (sic) left chest and the defendant pulled out the weapon and escaped. The victim was bleeding and then he fell down and was unconscious.
12. The victim was transported to Aola clinic for prompt treatment and then he was rushed to the National Referral Hospital.
13. The defendant was then arrested and charged. He admitted in the record of interview to the actions that he did.
14. He was then charged with one count of unlawful wounding contrary to section 229 and another count of criminal trespass contrary to section 189 (1) (a) of the Penal Code.
15. A day after the incident, reconciliation was done to the victim by the defendant's sister and a 10 string of shell money (sausangavulu) 8 feet, was given to him for the actions that the defendant did to him".

As can be deduced from the facts, the defendant was clearly not happy when he went to the victim's house. He was shouting. It can be inferred that the reason was because of the abusive words the victim directed at him earlier when he asked for a smoke.

The facts indicate that after the request for smoke and the abusive response, the victim went to his house and the defendant also went to his house inland. He had the opportunity during that period to calm himself down but he did not. He was drunk. He could not control his anger and decided to go to the victim's house. I have no doubt that alcohol had contributed to the way he behaved. However, this is not to say that had it not for the alcohol, he would not do what he did. Alcohol cannot be seen as excusing the defendant's action but rather is seen as a cause of the problem. Alcohol consumption is believed to be the cause of many anti-social behavior in society as in this case.

The entry made in the Medical Examination and Requisition Form filled on 20<sup>th</sup> September 2018 which was tendered by the Prosecution reveals that the injury was a stab wound on the left chest. It was a rugged wound about 2 cm deep.

The Accused used a knife to assault the victim which were clearly acts of violence with the use of a deadly weapon to a vulnerable part of the body, the chest. That is serious and it aggravates the offending. No reason will justify the Accused's unlawful conduct.

Having assessed the facts, the aggravating factors present and the need for deterrence, I am of the view that the starting point for the unlawful wounding is 2 ½ years imprisonment. For the offence of criminal trespass, a sentence of 2 months is imposed to be concurrent to the 2 ½ years for unlawful wounding. The total starting point is 2 ½ years imprisonment.

The Accused has admitted the offences by pleading guilty to the charges. A demonstration of remorse by the Accused.

I accept that this is the first time for the Accused to appear in court. He has no previous convictions.

He is a young man and I believe he will rehabilitate himself during the period of imprisonment. I also note from the facts that the families of the victim and the Accused are believed to be living peacefully with each other since the incident because of a reconciliation that was conducted immediately after the incident.

I will deduct 6 months to reflect his plea of guilty to the offences. Another 6 months is deducted to reflect the other mitigating factors as observed in this case.

The total sentence to be served is 18 months imprisonment. The sentence is back-dated to commence on when he was first remanded in custody.

The Court,

A blue circular stamp from the Honorary Magistrate's Court, Solomon Islands, is positioned behind a handwritten signature in blue ink. The signature is written over a horizontal dotted line. The stamp contains the text 'HONORARY MAGISTRATE'S COURT' at the top and 'SOLOMON ISLANDS' at the bottom, with a central emblem.

Ricky Iomea - DCM