

IN THE CENTRAL MAGISTRATES' COURT  
OF SOLOMON ISLANDS

Criminal Jurisdiction

Criminal Case No: 153 of 2019



**BETWEEN: REGINA** Complainant  
**AND: BRIAN SENI** Accused

Mr. Kwalai for the accused  
PC Tei for the Police Prosecution

### SENTENCE

#### Background

The accused Brian Seni has been convicted after trial on one count of common assault contrary to section 244 of the Penal Code and one count of Assault Causing Actual Bodily Harm, contrary to section 245 of the Penal Code. Today is for the Court to pass sentence on him.

#### The facts

On the 22<sup>nd</sup> of January 2019 the accused assaulted Reginald Ouou at Mamana wata in Honiara. This is the charge of common assault. The Court has found that the accused put out his two hands to block Reginald Ouou and said that he's a killer. The accused then hit the complainant with his hand on the complainant's mouth. This incident happened at around 11 pm that evening.

On 26<sup>th</sup> of January 2019 he also assaulted Blaze Baeta, the complainant with a cement brick resulting in injury to the complainant. This is the charge of Assault Causing Actual Bodily Harm. The facts established at trial is that the accused climbed the fence near where the complainant was standing and hit the complainant with a cement brick on the complainant's face. This happened around 5 am that morning. The complainant sustained injuries on his face, including a cut to his nose. When the complainant received the hit on his face with the cement brick he fell onto the ground and was unconscious. Water was poured on the complainant and he regained consciousness.

#### Aggravating factors.

The offending in both charges are aggravated by the fact the accused had motives to commit the offences and therefore premeditated the offending. In both instances, he chose to take the law into his own hands and retaliated to the message he allegedly received and what the complainant Baeta allegedly did to him earlier.

#### Prior convictions

The accused has a number of previous convictions for various offences including convictions for common assault and ACABH recorded on 7<sup>th</sup> August 2013 and had served imprisonment sentences.

Mitigating factors

I understand from the submission of Counsel in mitigation that the accused has some responsibilities in supporting his parents and siblings and that any imprisonment will affect that support he is providing.

The principle of personal deterrence is considered important in this case.

Sentence orders

Having considered the facts of the case, the aggravating factors, the personal circumstances of the accused and the need for personal deterrence, the following sentences will be imposed:

Count 1 (Common assault): 4 months imprisonment to be fully suspended on good behavior for 12 months.

Count 2 (Assault causing actual bodily harm): 6 months imprisonment. He will serve 6 months at Rove Correctional Centre commencing today.

The suspension period in count 1 to commence upon the expiry of the sentence in count 2.

The Court,



Ricky Iomea - DCM