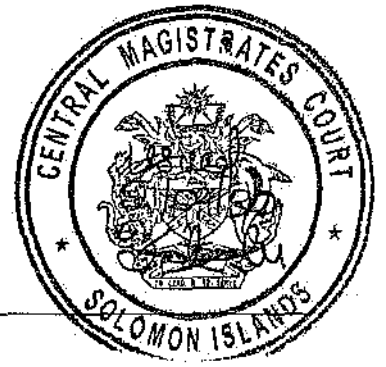


**IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 122 of 2020**



**REGINA
v.
DANNY LAPA**

Before: Principal Magistrate Ms. Fatimah Me'ere Taeburi
Mr. Steward Tonowane (DPP) for the Crown
Mr. Steven Weago (PSO) for the Defendant

Date of Hearing: 16th September 2020
Date of Ruling: 21st September 2020

SENTENCE

1. The defendant pleaded guilty to 3 counts of false pretence contrary to section 308 (a) of the Penal Code and one count of obtaining credit by false pretence contrary to section 309(a) of the Penal Code.
2. The facts in his case are as follows;
3. He lied to 3 different persons saying that he has cartoon of cigarettes to sell at a cheap price. The three complainants gave monies to him and he never delivered the cigarettes as promised.
4. Through his lies, he obtained \$2000 from the first complainant, \$10, 000 from the second complainant and \$7000 from the third complainant.
5. The fourth complainant is a taxi driver. He engaged the taxi and did not pay the bill. The total bill is \$2400.
6. I convict him on the four charges against him.
7. The aggravating factors in his case are as follows;
8. He lied to 4 different people on 4 occasions.

9. He did not repay the complainants any single cent of the money he lied and stole from them. He never apologised to them for his dishonesty. I consider the loss suffered by the complainants.
10. The total amount of money he stole from these complainants is \$21, 4000. It is a substantial amount of money in my view.
11. I take his guilty plea into account. He has save time and resources.
12. He has no previous convictions.
13. I take his personal circumstances into account.
14. The maximum penalty for false pretence is 5 years imprisonment.
15. The maximum penalty for obtaining credit by false pretence is 1 year imprisonment.
16. I have considered the sentences passed in our jurisdiction for these types of offences.
17. He is sentenced as follows;
 - a) Count 1 – 1 ½ years imprisonment;
 - b) Count 2 – 2 years imprisonment;
 - c) Count 3 – 1 ½ years imprisonment;
 - d) Count 4 – 6 months imprisonment;
18. All sentences are to be served consecutively. In total he is sentenced to 5 ½ years imprisonment.
19. I consider the legal principle of totality and I reduce the sentence to 4 ½ years imprisonment.
20. I make an additional order that after he is released from custody, he is to repay all complainants the monies he stole from them. He is to make the repayment within 28 days of his release.
21. In default he is to be imprisoned for 8 months.
22. The time spent in custody is included in his custodial sentence.
23. Right to appeal within 14 days.

Dated this 21st Day of September 2020

