

IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 1012 of 2020



REGINA

V

JOHN HOWARD

Before: Principal Magistrate Ms. Fatimah Me'ere Taeburi
Sergeant Mr. Elson Konle (PPD) for the Crown
Ms. Suzie Pengalo (PSO) for the Defendant

Date of Hearing: 16th December 2020

Date of Sentence: 17th December 2020

SENTENCE

1. The accused pleaded guilty to two counts of domestic violence contrary to section 4(1)(a) and section 58(1)(2) of the Family Protection Act.
2. The victim in this case is the accused's wife. They have 6 children altogether. The youngest baby of about one year old.
3. The defendant came home drunk at about 7pm on a particular day. He accused and argued with his wife. He called his wife a prostitute. He threw a chair at her. Their children were present when he committed these actions. The victim ran away to the neighbour's house.
4. The next day she went to the White River Police Post to obtain a Police Safety Notice or PSN for short. It is not clear from the facts as to whether or not she obtained PSN or any other form of assistance from the police at White River.
5. She left the police station and intended to go home.

6. On her way back to their house, she saw that the defendant was still drunk around the area.
7. Out of fear, she decided not to return home. She went to the neighbour's house.
8. At about 11.30pm she went to a bilnut market. The defendant met her there and slapped her head.
9. She fell down, stood up and ran away. She shouted and called out for help. A neighbour came and intervened.
10. He said he was cross because the victim abandoned their baby. He stopped when he saw the victim's brother.
11. The accused and the victim went back home. The accused continued to argue with the victim.
12. The police arrived at their home around that time. He was arrested and charged.
13. The accused and the victim reconciled. He paid a sum of \$500 as compensation to his wife.
14. I convict the accused on the facts.
15. In sentencing him I take into account that the victim is his wife. Being a woman she is physically weaker than the convict. In committing acts of violence and aggression towards his wife, a weaker person, he was being a bully and a coward. He should be ashamed of his actions. As the saying goes, "real men do not hit women".
16. He also caused fear to his wife. She had to stay away from the house and her children including her one year baby out of fear. Yet when he saw her, he asked, "u olbaut cam lo wea ia?"
17. He caused shame and disgrace to her when he slapped her at the bilnut market in front of other people. He also caused her shame when he was violent and called her a prostitute in front of their children. He degraded her dignity in front of their children. What lesson is he trying to teach his children? Is he trying to teach them that it is ok to degrade the dignity of a woman? Is he trying to teach them that it is ok to hit a woman? As a father, he must learn and I hope that he learns from this case that it is against all standards to abuse a woman and more especially when that woman is your wife.

18. I take into account that he pleaded guilty to the charges. He demonstrated remorse.
19. I consider that he has no previous convictions. I consider his family circumstances. He paid compensation and reconciled with his wife.
20. The maximum penalty for domestic violence is 30,000 penalty units or 3 years imprisonment or both.
21. In my view given the appropriate sentence is as follows;
 - a) Fine to be paid to the state in the sum of \$300 within 14 days from today;
 - b) In default, imprisonment for 20 days;
 - c) Bound over to be of good behaviour for 1 year in his own recognisance and the sum of \$300.
22. Right to appeal within 14 days.

Dated this 17th Day of December 2020

