



IN THE CENTRAL MAGISTRATES COURT OF SOLOMON ISLANDS

AT HONIARA

(Criminal Jurisdiction)

Criminal Case No: 1302 of 2018

REGINA

-V-

ANTHONY CECIL & OTHERS (CONSOLIDATED WITH)

Criminal Case No: 399 of 2018

REGINA

-V-

ANTHONY CECIL & OTHERS

Coram: HOLLISON F (PRINCIPAL MAGISTRATE)

Appearances:

Mr Abel Maelanga of Police Prosecutions for the Crown

Mr Rodney Manebosa, Public Solicitors Office, for the Defendant in both cases

Date: 15 January 2020.

Notice: This copy of the Court's Reasons for Judgment/Sentence is subject to formal revision prior to publication.

SENTENCE

1. The defendant Mr Anthony Cecil was charged with one count of Simple Larceny contrary to section 261(1) read with section 22 of the *Penal Code* [Cap 26] in Criminal Case Number 1302 of 2018 ("CC

No. 1303 of 2018”), and one count of Armed Robbery contrary to section 293(1) (a) read with section 21(a) of the *Penal Code* [Cap 26] in the Criminal Case number 399 of 2018 (“CC No. 399 of 2018).

2. The defendant initially pleaded not guilty to the burglary charge contrary to the relevant provisions of the *Penal Code* [Cap 20] in CC No. 1303 of 2018 and a trial was supposed to be conducted sometimes last year but that did not eventuate. However, after a successful plea deal, the charge was reduced to a count of Simple Larceny contrary to section 261(1) read with section 22 of the *Penal Code* [Cap 26], in which the defendant subsequently pleaded guilty to the said charge on the 21st of October 2019. Likewise, on the 28 of March 2019, the defendant pleaded guilty to one count of Armed Robbery contrary to section 293(1)(a) read with section 21(a) of the *Penal Code* [Cap 26] in the CC No. 399 of 2018.
3. Based on the pleas entered, I now convict Mr Cecil accordingly for both charges in CC No. 399 of 2018 and CC No. 1303 of 2018 respectively.

FACTS

4. The relevant facts in both cases are enumerated below.

CRIMINAL CASE NUMBER 1302 of 2018: R-V-ANTHONY CECIL & OTHERS-SIMPLE LARCENY

Facts

Brief Background of the offender

5. The defendant is currently residing at Lengakiki area in Central Honiara, Honiara City, under the care of Ruth Cecil.
6. The accused Mr Anthony Cecil is a 21 years old male from Malu’u village, North Malaita, Malaita Province.
7. He is married with a child and has no previous conviction.
8. The complainant Mr Fred Kafoa Crocker, an adult Fijian national, is a Manager at United Auto, KGVI complex GP.O. Box 128, Honiara.

Facts of the Offending

9. On or about the 24 November 2018, in the early hours between 0400hrs-0600hrs, the larceny incident occurred at United Auto located at Tongs Building Complex at King George Sixth School area, East Honiara, Honiara. The defendant and his co-accused used an instrument to open the door. During the incident, the complainant discovered that the following properties were stolen:
 - 1) 2 -heavy duty battery charges- \$6.225 each
 - 2) 2-normal battery chargers- \$ 2, 980 each
 - 3) 1-Isuzu DMax Wheel - \$ 1750

- 4) 5-Isuzu Tri-ton Truck Tyres- \$ 1250 each
- 5) 18-N40 battery - \$ 550 each
- 6) 6 – N50 battery - \$ 700 each
- 7) 5- N100 battery - \$1100 each
- 8) 1-N120 battery - \$ 1200 each

10. The accumulated value of the stolen properties is **SBD 47, 210.00**. Police launched an investigation and managed to recover three N40 type batteries valued at SBD 550 each, an N50 battery valued at SBD 700 and an N120 battery valued at SBD 1200 each. The value of the items recovered is SBD 2450 and therefore, the total value of the missing items is SBD 44, 760.00.
11. The exhibits were retained and kept at the Naha Police Station exhibit room.
12. The matter was reported to the Police by the complainant also on the same date and Police commenced their investigation.
13. Mr Anthony Cecil was identified, arrested and participated in a record of interview and he admitted his involvement in the commission of the said offence along with the others.
14. He was charged with one count of Simple Larceny contrary to section 261(1) and section 22 of the *Penal Code* [Cap 26].

CRIMINAL CASE NUMBER 399 of 2018-R-V-ANTHONY CECIL & OTHERS-ROBBERY

15. The complainant in this matter is Mrs Naw Phaw Mary Cell, a 28-year-old female from Myanmar in the Philippines. She is an employee of a renowned shopping outlet in the country, the QQQ Holding Company based at China Town in Honiara, and works as an Assistant Supervisor.
16. On or about 6th April 2018 at around 1550hrs, the complainant and her work colleagues were collecting hard cash and cheque from certain shops from China Town to Ranadi in the east of Honiara.
17. This incident occurred when the complainant and her work colleagues, including an administrative officer arrived at Canada Sunny Shop and Winnie Shop to collect their bills. The victims collected the bills and went out to board their motor vehicle.
18. The administrative officer went into the vehicle first and followed by the complainant. The complainant opened the door and was about to place the bag of money into the vehicle, when suddenly she was attacked by the defendant. The defendant struck her shoulder with a hard instrument and forcefully pulled the bag from her.
19. The complainant struggled with the defendant and tried to hold the bag of money back but she was unfortunately overpowered. The defendant ran to his co-defendants in the waiting short boot silver grey car. The complainant screamed and chased the defendant and managed to pull back the door of the car. She made every effort to hold onto the defendant but she was kicked out and the hard instrument which was used also fell on the road, and it was identified as a small axe. The complainant sustained bruises on her right hand and shoulder, and she experienced great pain in her knee.
20. The defendant and his co-defendants took off on the vehicle with the bag of money containing the hard cash of SBD 50,000.00, and with numerous bank cheques. The matter was reported to the police and an investigation was launched. Police intelligence at the time had gathered that prior to the incident the defendant and his co-defendants had conspired to rob the QQQ Holding Limited but their first two

attempts failed. The defendant and his co-defendants then made their third attempt in which they committed the robbery in the present case.

21. The Police managed to apprehend the other suspects with the exception of Mr Anthony Cecil who initially avoided detection from the Police. However, he was arrested for his other matter which is consolidated with this present case.
22. He participated in a record of interview and admitted his involvement in the offence. He was charged with one count of Robbery contrary to section 293(1) (a) of the *Penal code* [Cap.23].

DISCUSSION AND ANALYSIS

23. In sentencing, the classic principles of sentencing such as punishment, retribution, deterrence and rehabilitation must be taken into account.
24. Moreover, the sentences imposed must commensurate with the severity of the offence.
25. It is an established practice that each case must be decided by its own merits, facts and circumstances.

COUNT 1: SIMPLE LARCENY

26. Section 261 (1) of the *Penal Code* [Cap 26]¹ provides as follows:

261.-(1) Stealing for which no special punishment is provided under this Code or any other Act for the time being in force is simple larceny and a felony punishable with imprisonment for five years.

27. The maximum sentence for simple Larceny is 5 years imprisonment which shows that theft is quite a serious offence in the Solomon Islands.

Aggravating features

28. The aggravating factors in this case are as follows:
 - 1) The maximum penalty of 5 years shows that theft or stealing is a fairly serious offence.
 - 2) Pre-meditation and planning. The fact shows that the defendant committed the offence with the assistance of others, and a weapon was used which shows some degree of premeditation and planning.
 - 3) The fact that it was done with others is akin to the offences that are committed by members of a gang or more than one person.
 - 4) The offence was committed at night.
 - 5) The items stolen were not all fully recovered. Only few batteries valued at SBD 2450 were recovered. This means that the other properties valued at SBD 44, 760 were not recovered.

¹ *Penal Code* [Cap 26], s 261(1)

- 6) The financial and economic loss experienced by the business as a result of the theft is enormous. A private business or a company is profit-oriented, and the loss of such valuable items, has adverse repercussions in the running of the business, and takes time to recover from such loss.
- 7) It must be noted that the stealing in this present matter also involves criminal trespass, and the use of a weapon to open the door, which are aggravations.

Mitigating Features

29. The mitigating factors are as follows:

- 1) *Early guilty plea.* He entered an early guilty plea as soon as the burglary charge was reduced to the present count of simple larceny. This is a sign of remorse and change of heart, and a willingness to face the consequences of his own actions.
- 2) *First time offender.* The defendant is a first-time offender until his conviction. This means that he has no previous conviction and was a good person before committing the offences in these present cases.
- 3) *Youthfulness and Prospects of Rehabilitation.* He is 21 years of age which means that he is still a young adult and has a long life ahead, and also has a high chance of rehabilitation.
- 4) *Items recovered.* Some of the items were recovered, however, most of the items were not recovered.
- 5) *Sole breadwinner and a family man.* The defendant is a married person with a child.
- 6) *Time spent in custody.* The defendant was in remand since the 4th December 2018.

Comparative Sentences:

30. I note that referring to past cases, although, may not be helpful at times but it always provides some sort of standard to assist the court to ascertain the appropriate sentence.
31. In *Eapa-v-Reginam* [2001] CC No. 248 of 2001, the offender was sentenced to a term of 9 months imprisonment in the Magistrates Court. The matter was then appealed to the High Court, and the learned High Court Judge ordered that the sentence be suspended for two years on the basis that the property stolen was recovered and given back to the owner.
32. In *Regina v Luimalefo* [2017] SBMC 46; Criminal Case 958 of 2017 (26 September 2017)², the defendants pleaded guilty to one count of Simple Larceny contrary to section 261(1) of the *Penal Code* [Cap 26]. Mr David Junior Malefo was sentenced to an imprisonment term of 1 ½ years imprisonment

² *Regina v Luimalefo* [2017] SBMC 46; Criminal Case 958 of 2017 (26 September 2017)

whilst Mr Tome Gagame Junior was sentenced to an imprisonment term of 2 years. The basic facts were that on or about the 11th of September 2017, the defendants stole the following items which were owned by an expat business man Mr Jonathan Pestana: SBD10, 000 and USD 5,000 that the victim left in his car, which was parked behind his shop at the Kukum Highway in Honiara. Some of the items were recovered.

33. In *Regina v Ilala* [2017] SBMC 18; CMC-CRC 325 of 2015 (14 June 2017); the defendant was sentenced to 12 months of imprisonment for one count of Simple Larceny contrary to section 261(1) of the *Penal Code* [Cap 26]. The defendant was also sentenced for other offences.
34. In *Regina v Kemakeza* [2008] SBHC 41; HCSI-CRC 467 of 2007 (3 September 2008)³, the defendant was sentenced to 16 months imprisonment term for one count of Simple Larceny contrary to section 261(1) of the *Penal Code*[Cap 26]. Mr Kemakeza was also sentenced for other offences.

Specific and General deterrence

35. I understand that the court should always issue a sentence that encompasses both specific and general deterrence. In other words, a sentence that will directly punish the offender and also send a message of deterrence to like-minded persons that such offences are unacceptable and has consequences. It is imperative to emphasize that respecting other people's properties is important. Stealing from the victims is actually depriving their rights of ownership which include the rights to use and enjoy them.
36. Moreover, I must ensure to issue a sentence that send a warning to the general public that such offences especially theft are not acceptable in our societies, communities, and more importantly our country as a whole.

Starting Point

37. After having considered the relevant factors especially the aggravating features and the circumstances of this case, I am of the view that a starting point of 34 months is appropriate.
38. *Early guilty plea.* He entered an early guilty plea as soon as the burglary charge was reduced to one count of simple larceny and he is entitled to a reduction from the starting point. I therefore deduct 8 months.
39. *First time offender.* The defendant is a first-time offender until he was convicted and I deduct 2 months to reflect that.
40. *Youthfulness and Prospects of Rehabilitation.* He is 21 years of age and has a high chance of rehabilitation, and I deduct 4 months for that.

³ *Regina v Kemakeza* [2008] SBHC 41; HCSI-CRC 467 of 2007 (3 September 2008)

41. *Items recovered.* Some of the items were recovered. However, most of the items were not recovered and I deduct only 2 month to reflect a few of the items recovered.
42. *Sole breadwinner and Parental Responsibility.* The defendant is a married person with a child. However, he did not act like a married person with his actions and behaviors. He should have foreseen the consequences of his actions, and the fact that he has a family to look after. Nevertheless, I deduct 2 months for his personal circumstances.
43. Therefore, I am satisfied that 16 months (1 year and 4 months) of imprisonment term is appropriate for the present case.

COUNT 2: ARMED ROBBERY CONTRARY TO SECTION 293(1) AND SECTION 21(a) OF THE PENAL CODE [CAP 26]

44. Section 293(1)(a) of the *Penal Code* [Cap 26]⁴ provides as follows:

293.-(1) Any person who -

(a) being armed with any offensive weapon or instrument, or being together with one other person or more, robs, or assaults with intent to rob, any person; or

is guilty of a felony, and shall be liable to imprisonment for life.

45. The offence of armed robbery carries a life imprisonment which shows that it is one of the most serious offences prescribed by the *Penal Code* [Cap 26].

Aggravating features

46. The aggravating factors in this case are as follows:
- 1) The maximum penalty of life imprisonment shows the offence of robbery is a very serious offence.
 - 2) Pre-meditation and planning. The defendant and his co-accused were watching the victim heading for the vehicle and struck the shoulder of the victim using an axe. In addition to that, the defendant and the co-accused had attempted at least twice to rob the QQQ Holding Company but failed. A vehicle was also used in the commission of the offence. These facts clearly show that the robbery was premeditated and well organized.
 - 3) The use of the weapon means that this robbery is quite a serious one.
 - 4) The fact that it was done with the assistance of at least another person or more is an aggravation because the accused were all males, and armed with a weapon.
 - 5) The victim is a female and she sustained injuries. Additionally, the psychological and emotional effect of the incident will haunt her for sometimes. She would feel unsafe as long as she is in the streets of Honiara due to this dreadful experience.
 - 6) The hard cash of SBD 50, 000 that was stolen is a great financial and economic loss for the company.

⁴ *Penal Code* [Cap 26], s 293(1)

Mitigating Features

47. The mitigating factors as follows:

- 1) **Early guilty plea.** He entered an early guilty plea to one count of armed robbery contrary to section 293(1) (a) and section 21(a) of the *Penal Code* [Cap 26]. This shows that he is truly sorry for his unlawful actions.
- 2) **First time offender.** The defendant is a first-time offender until his conviction in these two present cases.
- 3) **Youthfulness and Prospects of Rehabilitation.** He has a high chance of rehabilitation because he is only 21 years of age.
- 4) **Cooperation with the Police.** The defendant cooperated well with the Police and his admission assisted the police with the investigation, and his guilty plea is consistent with that admission.
- 5) **Sole breadwinner and a family man.** The defendant is a married person with a child.
- 6) **Time spent in custody.** The defendant was remanded in custody since the 4th December 2018.

Comparative Sentences

48. The offence of armed robbery as already alluded to, is a very serious crime and this is reflected in the maximum penalty of life imprisonment.

49. *In Selo v Regina* [2017] SBCA 17; SICOA-CRAC 9003 of 2017 (13 October 2017)⁵, the Court of Appeal imposed a sentence of 14 years of imprisonment for a count of armed robbery contrary to section 293 of the *Penal Code*, and 10 years of imprisonment for a count of grievous bodily harm which were ordered to be served concurrently. The armed robbery in this case involved the robbing of around SBD 4 million dollars in the vicinity of the West Bank at Point Cruz in Honiara. In the course of carrying out the robbery, Mr Selo also caused grievous bodily harm to one of the security guards Mr Michael Malea by viciously cutting him using a knife that completely amputated his left hand leaving only the thumb. The robbers then used a vehicle and escaped with the boxes of money. The arraignment was done in the Magistrates Court and was committed to the High Court for sentencing, and an 8 years imprisonment term was imposed. However, it was further increased to 14 years by the Court of Appeal upon appeal in consideration of the severity of the robbery which was done in broad daylight and within one of the commercial banks in the Central Business District in Honiara. Their Lordships commented as follows:

⁵ *Selo v Regina* [2017] SBCA 17; SICOA-CRAC 9003 of 2017 (13 October 2017).

This is a most serious case of armed robbery of a commercial bank during normal business hours. It was premeditated and involved weapons which, it is clear, this gang were prepared to use. The appellant and his companion consciously planned a robbery in Mendana Avenue in the heart of the Honiara commercial district. They did so at a time when they must have been well aware a large number of innocent bystanders going about their lawful business would be present. They must have also been aware that their actions could prove dangerous to those bystanders. A very large sum of money was involved.

50. In *Regina v Suilamo (Judgment)* [1992] SBHC 58; HCSI-CRC 3 of 1992 (5 May 1992)⁶, the High Court imposed a sentence of 4 years imprisonment for Mr Maritino Suilamo and Mr Tome Akwasu'u respectively, and a sentence of 3 years imprisonment for Mr Molousafi after they all pleaded guilty to the charge of robbery. One of the victims that the defendants tied when they robbed her home later died. The death was caused by the defendants forcefully putting objects into her mouth and effectively blocking her throat. The three defendants were sentenced also for manslaughter ranging from 10 years and 7 years imprisonment respectively which were ordered to be served concurrently with the sentences for the offence of robbery.
51. In *Regina v Suba* [2016] SBMC 21; Criminal Case No. 1154 of 2015⁷, the defendant was sentenced to 3 years imprisonment. Mr Jonis Suba pleaded guilty to one count of armed robbery contrary to section 293(1) (a) of the *Penal Code* [Cap 26]. The offending occurred in the early hours on the 1st of August 2015. The defendant teamed up with the other group of men and entered the premises of Winlex Company at Lunga area in east of Honiara. At the time they were armed with bush knives and covered their faces with masks. They climbed over the fence and entered the Winlex Company's compound. As anticipated, they made their way straight into the company's building and stole SBD 130, 336.70 cash, a 070 chainsaw and other personal properties. Some of the stolen monies include payroll monies and personal monies of the employees of that company. The defendant only took SBD 800 and a laptop from the total amount of cash and the properties stolen that night. Those items were never recovered.
52. In *Regina v Saeni* [2017] SBMC 1; Criminal Case 1143 of 2015 (18 April 2017)⁸ the court sentenced the defendant to a term of 26 months of imprisonment after he pleaded guilty to one count of robbery contrary to the provisions of the *Penal Code* [Cap 26]. The offending occurred on the 25th July 2015, when the accused with his five friends were drinking liquor beside a logging road that leads up to NAC area in the Guadalcanal Province. The defendants asked one of the truck drivers of a logging company, an Asian, to drop them off at their destination but the driver refused. The victim was ejected from the truck compellingly. One of the defendants then drove the vehicle and abandoned it somewhere beside the Tina River in the Guadalcanal plains. Parts of the vehicle were also damaged.
53. In *Regina v Kaluae* [2016] SBMC 19; Criminal Case 1492 of 2015 (25 July 2016)⁹; the defendant was sentenced to 2 years imprisonment after he pleaded guilty to one count of robbery contrary to section 293 (1)(a) of the *Penal Code*, and one count of assault causing actual bodily harm contrary to section 245 of the *Penal Code* [Cap 26]. The defendant and his associates were armed with a bush knife as well. The defendant pleaded guilty to the two charges that were laid against him.

⁶ *Regina v Suilamo (Judgment)* [1992] SBHC 58; HCSI-CRC 3 of 1992 (5 May 1992)

⁷ *Regina v Suba* [2016] SBMC 21; Criminal Case 1154 of 2015 (4 August 2016)

⁸ *Regina v Saeni* [2017] SBMC 1; Criminal Case 1143 of 2015 (18 April 2017)

⁹ *Regina v Kaluae* [2016] SBMC 19; Criminal Case 1492 of 2015 (25 July 2016)

54. Based on the case authorities from this court, the High Court and the Court of Appeal, the sentencing tariff for armed robbery ranges from a custodial sentence of less than a year up to around 15 years.
55. As stated already, the severity and nature of each offence determines the sentence that the court will issue.
56. The present robbery case is quite a serious one because it was well organized, a dangerous weapon was used to assault the victim, coupled with the use of vehicle to escape with the stolen money. The amount of SBD 50,000 is a substantial amount of money owned by the QQQ Company Ltd. It was also done within a public setting which no doubt caused fear and confusion to the people who witnessed the horrible incident unfolding in front of their eyes. This clearly shows that it was premeditated. This present case is not as serious as the *Selo's case*, however, both cases shared some similarities in terms of their planning and operation.

Starting Point

57. In *Selo v Regina* [2017] SBCA 17; SICOA-CRAC 9003 of 2017 (13 October 2017)¹⁰, their Lordships stated:

In imposing sentence, the first step is to arrive at an appropriate starting point for each of the offences the appellant pleaded guilty to. This was a task not undertaken by the learned Judge. The next step, again not undertaken by the sentencing Judge, is to consider the aggravating factors to reach an initial starting point. That must be considered against the well-established totality principle before mitigating factors are factored in.

58. After having considered the relevant factors and especially the aggravating features in this present case, it is my considered view that a starting point of 5 years (or 60 months) is appropriate for this present case.
59. **Early guilty plea.** He entered an early guilty plea to one count of armed robbery contrary to section 293(1) (a) and section 21(a) of the *Penal Code* [Cap 26]. I deduct 12 months for the early plea entered.
60. **First time offender.** The defendant is a first-time offender until his conviction in these two present cases. I deduct 2 months for his previous good character.
61. **Youthfulness and Prospects of Rehabilitation.** He has a high chance of rehabilitation because he is only 21 years of age, and I deduct 4 months for that.

¹⁰ *Selo v Regina* [2017] SBCA 17; SICOA-CRAC 9003 of 2017 (13 October 2017).

62. **Cooperation with the Police.** The defendant cooperated well with the Police and admitted that he committed the offence, and I deduct 2 months for this.
63. **Sole breadwinner and Parental Responsibility.** The defendant is a married person with a child and I deduct 2 months for his personal circumstances
64. Hence, I am satisfied that an imprisonment of three (3) years and 2 months (or 38 months) reflects the severity and magnitude of the offence.

CONCLUSION.

65. Larceny and Robbery are amongst the most serious offences in this jurisdiction as prescribed by the *Penal Code* [Cap 26]. The inclusion of such offences in the *Penal Code* by the legislature is, inter alia, to safeguard the fundamental and constitutional rights of individuals which are embedded in the *Constitution* such as the right to own a property or protection of property, and so forth. Those who are willing to breach such rights shall face the full consequences of their actions.
66. I note that based on the anecdotal evidence available, both larceny and robbery are becoming prevalent and increasing in the Solomon Islands. In these present cases, the actions and conducts of the defendant and his co-accused are an affront to the genuine investors and the growth of commerce in the country. Such cases only bring bad reputation and publication to the image of the country with respect to investment and the business climate locally.
67. There is no easy way of earning money and attaining a decent living but through, inter alia, hard work, commitment, investment and discipline, a person will achieve a better living and importantly to survive in this modern world. In some cases having a good education, qualification and formal employment, although not necessary, plays a vital role in a person's capacity to prosper in life, and to be able to afford basic necessities. However, stealing other people's property such as money and gadgets is a disgraceful and lazy way of feeding one's family and literally amounts to an unjust enrichment. The Scripture also condemns stealing. There are many options and paths to take in life, and with the greatest respect, people who are doing nothing in the city should consider heading to their respective home provinces and to plough the soil, make gardens and live a simple life like the rest of the rural dwellers rather than staying in town and preying on others for their living. There are good schools and basic health services available in the villages and people can still make it in the rural areas.
68. These present cases are a testament that a good number of young people in this country are turning to robbery and stealing, amongst other bad activities, for their own gratification in acquiring expensive properties such as phones, money and other gadgets that they cannot afford most probably because of high rate of unemployment and lack of proper upbringing. Such attitude and actions must be deplored in the strongest terms by the courts.
69. In conclusion, in the CC No. 1302 of 2018, I hereby sentence the offender Mr Cecil Anthony to an imprisonment term of 16 months (or 1 year and 4 months) for one count of Simple Larceny contrary to section 261(1) of the *Penal Code* [Cap 26].

70. In CC No. 399 of 2018, I sentence the offender Mr Cecil Anthony to an imprisonment term of 38 months (or 3 years and 2 months) for the offence of Armed Robbery contrary to section 293(1)(a) of the *Penal Code* [Cap 26].
71. As already known, these two offences occurred on two different occasions and against two different victims, and therefore, it is proper that both sentences shall run consecutively. I have also considered the totality principle, with the other relevant sentencing principles, and I am satisfied that the total sentence of 4 years and 6 months reflects the combined magnitude of both offences.
72. I take note of the time that Mr Anthony Cecil spent in custody and the total sentence must either be backdated to the time when he was first remanded or the time spent in custody ought to be deducted accordingly.
73. I hope this sentence will teach the offender a lesson and like-minded persons to refrain from involving in such activities, and also to send a message of deterrence to the members of the general public that involving in such unlawful activities have severe consequences.
74. Quite apart from what I have said and for future references, the parties should always do a comprehensive research and provide the courts with high quality submissions, and must be accompanied with the relevant case authorities from the Court of Appeal, High Court and the Magistrates Court rather than providing the court with few case authorities mostly from this court.

ORDERS

75. The orders of the Court are as follows:

- 1] **The offender Mr Anthony Cecil in the CC. No. 1302 of 2018 is sentenced to an imprisonment term of 16 months (or 1 year and 4 months) for one count of Simple Larceny contrary to section 261(1) and section 22 of the *Penal Code* [Cap 26].**
- 2] **The offender Mr Anthony Cecil in the CC No. 399 of 2018, is sentenced to a term of 38 months (or 3 years and 2 months) imprisonment for one count of Armed Robbery contrary to section 293(1) (a) and section 21 (a) of the *Penal Code* [Cap 26].**
- 3] **These sentences imposed for each of the counts shall be served consecutively.**
- 4] **Therefore, the final sentence shall be four 4 years and 6 months (4 and ½ years) (or 54 months) imprisonment term.**
- 5] **Time spent in custody shall be taken into account and deducted accordingly or backdated to the date that the defendant was first remanded.**
- 6] **The other co-defendants of Mr Anthony Cecil in both matters if they are not dealt with yet must be brought to court to face Justice. If on the other hand, all the other defendants have been dealt with then this could be the end of these matters as well.**
- 7] **Right of Appeal within 14 days.**



**PRINCIPAL MAGISTRATE FELIX HOLLISON
THE COURT**