



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

Criminal Jurisdiction

Criminal Case No. 429 of 2019

On the 3rd day of February 2020
Before His Worship, Deputy Chief Magistrate Ricky I. Rongomea

Dalcy Belapitu for the Crown
Daniel Kwalai for the Defendant

BETWEEN:	REGINA	Complainant
AND:	PHILIP LORE	Accused

SENTENCE

- 1) On the 27th January 2020 you were found guilty on one count of Indecent Assault, contrary to section 141 (1) of the Penal Code and accordingly, you are convicted.
- 2) The issue for me to decide now is what would be the appropriate sentence to be imposed on you.
- 3) The Court found that you, on an unknown date between 1st January 2015 and 31st December 2015, at your residence at West Kola Ridge, in Honiara, unlawfully and indecently assaulted Lisa Harara, the Complainant. She was five (5) years old when you committed the offence against her. She was 9 years old when she came to court to give evidence at the trial in October 2019. In 2015 she was living with you and your wife Dorothy, her aunty and your four children, namely Lawrence, Michael, Joy and Ishmael at West Kolaridge.
- 4) She later moved and lived with her aunty Elizabeth and her husband Andrew at Papaho. The reason why she moved to Papaho was because of your bad behaviour. You took her to a room in your house on that unknown date in 2015, locked the door, removed her clothe, kissed her on her lips and put your penis to her private part ("mimi"). Those are the facts found to constitute your offending.
- 5) This offence under section 141 (1) carries a maximum penalty of 5 years imprisonment.
- 6) There were aggravating factors present in your offending.
- 7) You were 50 years old at the time of your offending. The Complainant or the victim was a young child of 5 years of age. There was a considerable age

difference between you and the victim. It is well established that the very young age of the victim is regarded as a serious aggravating feature.

- 8) The other factor that makes your offending serious is the fact that you were in a position of trust to the victim as an uncle. As observed in the case of *R v Thomas Ini Bade*¹, and to which I agree, in Solomon Islands culture, an uncle is normally regarded as a father, in the absence of the victim's father, it reasonably expected that, you should act and behave like a father to the victim. She looked up to you for love and care but instead you betrayed, abused and violated that trust placed on you not only by the victim but by her mother and her family.
- 9) No right thinking person, can ever comprehend how you could do such an unlawful act to this young victim.
- 10) The victim was a child and a vulnerable person. Because of her vulnerability, you decided to take advantage of that. The Court has a duty to protect the vulnerable members of the society by imposing appropriate sentences that aim at deterring this kind of unlawful sexual behaviour in the society.
- 11) The record relied upon by the Crown indicates that you have one previous conviction for the offence of consuming liquor in public place. That was entered on 24th October 2005. A fine of \$50 was imposed. Given the age of the conviction to date and the difference in the nature of that offence to the present one, I do not see that as aggravating in this case. I will treat you as a first time offender.
- 12) You are married and have dependants. Any custodial sentence will be certainly have an impact on them, one way or the other.
- 13) Your Lawyer has urged the Court to take into the delay in this matter. It appears from the Court's record that you were first remanded on 30th May 2019 after you were charged. I do not think that there is any substantial delay in progressing this matter after the charge was instituted.
- 14) Taking into account the facts, aggravating factors, mitigating factors and the principle of deterrence, I am satisfied that the circumstances of this case warrant the imposition of an immediate custodial sentence.
- 15) The appropriate starting point in view of the facts and aggravating factors in this case is 2 years imprisonment. I deduct 6 months to reflect the mitigating factors and the time spent in custody on remand.

¹ R v Thomas Ini Bade, HCSI CRC No. 166 of 2019

- 16) The total sentence that you will serve is 18 months imprisonment. The sentence will commence today.

The Court,



Ricky Iomea - DCM

