

**IN THE CENTRAL  
MAGISTRATES COURT.**

**Criminal Jurisdiction**

**Criminal Case No: 1038/2018**

**R v JUNIOR MARK**

Prosecution: MR. TONOWANE

Defence: MR. MANEBOSA

Sentence: 17<sup>TH</sup> FEBRUARY 2020



**SENTENCE**

1. Mr. MARK you pleaded guilty to one count of Simple larceny contrary to section 261 (1) of the Penal Code.
2. The facts as agreed between parties for sentencing is limited. It states, "The defendant in this matter is Mr. Junior Mark, from Fenualoanola village, Reef islands, Temotu Province. on the 4<sup>th</sup> of October 2018, around 0000hrs and 0100hrs in the morning, the accused and others stole a Vodafone mobile phone worth \$290.00 from Michael Walekwaita".
3. In relation to your age at the time of the commission of the offence, you, through your lawyer, contested that you were not 18 years old. The crown is saying that you were 18 years old when you committed the offence. This is a fact in issue at the sentencing hearing however, the crown did not produce any reliable and credible evidence to prove beyond reasonable doubt that you were 18 at the time of your offending. I take the version favourable to you so I am satisfied that you were 17 years old when you committed the offence, therefore you will be treated as a juvenile in this sentencing consideration.
4. The only aggravating factors that I noted from that facts are, that you committed the offence at night when not many people were around and in the company of others.
5. I noted your early plea of guilty at the first opportunity when the original charge was reduced to the present charge- the plea is an indication of your willingness to accept responsibility. You are also a first time offender, meaning that you were a law abiding citizen before you were convicted for this offence. You are a young man whom the future is long ahead of you. You must learn from this and stay clear from breaking the law in the future.

6. The facts is silent about whether the phone was recovered or not and whether you have benefited from the offending. The sentence must reflect the need for deterrence both specific and general.
7. In my judgment, the appropriate sentence to be imposed in the circumstances of your case is 6 months imprisonment. I order that the sentence be fully suspended on good behaviour bond of \$300 for a period of 12 months.

The court,



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Ricky Iomea  
Deputy Chief Magistrate

