

IN THE CENTRAL MAGISTRATES' COURT  
OF SOLOMON ISLANDS

Criminal Jurisdiction

Criminal Case No. 438 of 2017

On the 17<sup>th</sup> day of February 2020

Jasper Anisi for the Prosecution (ODPP).  
Daniel Kwalai for the Accused.



**BETWEEN: REGINA**                      **Complainant**  
**AND: ELSON RAY**                      **Accused**

**SENTENCE**

- 1) The Accused Ray Elson has been charged with two counts of common assaults contrary to section 244 of the Penal Code. He was found guilty after trial on the two charges and therefore the Court will decide what would be the appropriate sentences for the two charges.
- 2) In Count 1, the particulars are that Elson Ray of Central Police Station, Honiara, Guadalcanal Province, at Central Charge Office, Central Police Station, on the 3<sup>rd</sup> March 2013 did unlawfully assaulted (*sic*) a person namely Samuel Sia.
- 3) The particulars of Count 2 are that Elson Ray of Central Police Station, Honiara, Guadalcanal Province, at Central Charge Office, Central Police Station, on the 20<sup>th</sup> September 2014 did unlawfully assault a person namely Noel Makau.
- 4) That offending is seen to be aggravated by a number of factors.
- 5) The two Complainants were brought to the Central Police Station for safekeeping and as a suspect respectively. As a Police Officer, the Accused has the duty to ensure the protection of persons held in custody of Police. What the Accused did was the opposite.
- 6) The Accused, during both incidences was under the influence of liquor.
- 7) He was a serving Police Officer at the times he committed the offences. As a Police Officer, the Accused should respect and uphold the rule of law. The Public demands that the integrity of police officers be above reproach. The Accused was expected to behave in a trustworthy manner but instead, he conducted himself in a way that might compromise the integrity of the Force and undermines the

public confidence in the RSIPF. As cited by the Crown in their submission, His Lordship, Pallas J as he then was, said in *Sahu v Regina*<sup>1</sup>,

*“In the case of a police officer, the very highest standards of probity, honesty and integrity are demanded for without them the foundations of a law abiding, civilized community will disintegrate.”*

- 8) The behavior by the Accused was repeated. He behaved unlawfully on two occasions. He had the opportunity after the first incident to realize his wrong but he didn't. He continued on and assaulted another person on another occasion.
- 9) I agree that these were unprovoked acts. On the first occasion, a colleague Police officer tried to urge on him that what he did was not right but he ignored that officer. He must have now realized that had he obeyed what the Officer told him, he would not end up this way.
- 10) There is clearly a need for general deterrence in this matter.
- 11) The Accused is a first time offender. I am satisfied that there is delay in this matter which will certainly have an impacted on the final sentence to be imposed in this case.
- 12) Having considered the facts, the aggravating factors, the mitigating factors and the need for general deterrence, I am of the view that the final sentence for each of the counts is 6 months imprisonment. The sentences are to be served consecutively. The total sentence to be served is 12 months imprisonment. The sentence is backdated to commence on 9<sup>th</sup> of May 2019. Having backdated the sentence, the Accused has now served a substantial part of that sentence. I order that he be released at the rising of the Court.

The Court,

  
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Ricky Iomea – DCM  


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<sup>1</sup> [2012] SBHC 122