

IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 942 of 2019

REGINA
V
GEORGE BOBONGI LIVOIA

Before: Principal Magistrate Ms. Fatimah Taeburi
Mr. Selwyn Vaike (DPP) for the Crown
Mr. Bobby Harunari for the Defendant

Date of Hearing: 19th February 2020
Date of Judgment: 21st February 2020

SENTENCE

Introduction

1. You pleaded guilty to three counts of shop break in contrary to section 300 (a) of the Penal Code.
2. The facts in your case are as follows;
3. You were employed as the security guard of Low Price Enterprise Limited.
4. On the 13th, 15th and 17th of October 2019, you were stationed to look after the Low Price Enterprise branch at Point Cruz.
5. On those nights, you broke into the shop through the roof and stole substantial amounts of money. The total amount of money stolen is \$22,000.00.
6. You were not aware that there was a CCTV camera is situated inside the building. All your actions were recorded in the camera.

7. The matter was reported. The police arrested you and recovered only \$3000.00 of the total monies stolen.
8. I convict your on these facts.
9. I find the following aggravating factors in this case;
10. Firstly that you stole from your employer. You were entrusted to keep the place safe. You abused the trust placed on you and used to opportunity to steal from your employer.
11. I must repeat the comments made by the court in the case of *Fiuadi v Reginam* where it was stated,

Any employee, by the nature of his employment, always has the opportunity to steal his employer's property. The public service and all commercial undertakings can only function properly if they can rely on the loyalty and honesty of the people they employ.

It must be clearly understood that in any offence where a breach of trust is involved a sentence of imprisonment will always be appropriate.

The enormous majority of honest employees who resist the temptation to steal their employer's property must see that those who succumb are punished.¹

12. Secondly, you committed the offence three times. You were stopped because you were detected and arrested by the police.
13. Thirdly, the amount of money you stole is quiet substantial. Police were only able to recover a portion of the money. I take into account the loss suffered by the complainant.
14. I consider the following mitigating factors;
15. You pleaded guilty.

¹ *Fiuadi v Reginam* [1989] SBHC.17

16. You have no previous convictions.
17. You are a young man thus the prospects of rehabilitation are higher with you compared to others.
18. I also consider your personal circumstances and the time you have spent in custody.
19. The maximum penalty for the offence you committed is 14 years imprisonment.²
20. I have considered the sentences passed in burglary and break in cases.
21. I feel that the appropriate sentence in the circumstances of your case is 3 ½ years imprisonment for each count to be served concurrently.
22. The time spent in custody to be taken into account.
23. Right to appeal within 14 days.


Ms. Fatimah Taeburi
Principal Magistrate

² Penal Code [Cap 26]