

Court

IN THE CENTRAL MAGISTRATES COURT

IN THE SOLOMON ISLANDS

Criminal Case No: 99 of 2020

In the Criminal Jurisdiction

**BETWEEN: REGINA**

**AND: ANGELYN MAEBIRU**

Before: Emily Z Vagibule

Mr Iete Tebakota for prosecutions

Defendant self-represented

Date of hearing: 4<sup>th</sup> of March 2020

Date of sentence: 5<sup>th</sup> of March 2020

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**SENTENCE**

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1. Angelyn Maebiru, the court has adjourned this matter to deliver its sentence following the guilty plea you entered on the 3<sup>rd</sup> of March 2020. We have already completed the sentencing stage and today you will be given your sentence.
2. Your guilty plea was entered for one count of offensive behaviour in police premises. This is an offence punishable under the Police Act of 2013. As stated under section 193 of the said Act, the offence you were charged with carries a maximum penalty of 2000 penalty units or two months imprisonment<sup>1</sup>. These figures in some way reflects the level of seriousness involved.
3. As per the facts before me, it is stated that on the 1<sup>st</sup> of January 2020 around 5:25am, police attended to a report at the area near King Solomon Hotel in Honiara. The report involves a couple where police later identified as you Angelyn Maebiru and your husband. You and your husband were taken to the Central Police Station Compound purposely to settle the argument you were having. It was further stated that at that time, both you and your husband were drunk.
4. Due to the state of mind you were in, you showed no cooperation to the moves advanced by the police. At one point, you even uttered the words: *fuckem ass blong iu*, to one of the senior police officers who attended to you and your husband.
5. It was due to this that you were cautioned and later arrested. During your interview, you were said to have confessed to what you did and also agreed to make an apology to the court.

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<sup>1</sup>Section 193 (a), Police Act 2013

6. I will first of all inform you of the fact that intoxication is never a defence. This is clearly stated under section 13 of the Penal Code<sup>2</sup> of this country. Further to that I would like to urge you of the need to stay away from trouble. The fact that you are before the court this morning is a consequence of your own decision making.
7. I hope this should be a turning point which you should learn from in years to come. Treat our police officers with respect to avoid being penalised by the law.
8. From the submissions tendered by Mr Tebakota and the apologies you made to the court, I was able to identify the aggravating and mitigating factors that are present by this case. In terms of the mitigating facts, I will give you credit for the early guilty plea that you have entered, the fact that you are a first time offender, the fact that you have waived your right to legal representation, your cooperation, and the remorsefulness shown on your part.
9. On the other hand, I note that the action you committed is disrespectful in nature and is factored down from your ignorance of the law.
10. Thus, for purposes of personal deterrence, rehabilitation and retribution, I am of the view that a sentence of fine should be considered.
11. As such, the following calculation will apply:  
Maximum penalty- 2000  
Range- 500 to 1000  
Starting point: 800 minus 550 (mitigating factors)  
= 250 plus 200 (aggravating factors)  
=SBD\$450
12. With this, I now order as follows:

**ORDER**

- I. That the Defendant is sentenced to a fine of SBD\$450;
- II. This fine is due before close of business today, being the 5<sup>th</sup> day of March 2020;
- III. In default of payment, 20 days imprisonment,
- IV. Right of appeal applies to any party that is aggrieved by this sentence.

Dated this 5<sup>th</sup> day of March 2020.

  
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THE COURT

**EMILY Z VAGIBULE-MAGISTRATE**

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<sup>2</sup>Section 13 (1), Penal Code of the Solomon Islands