

IN THE CENTRAL MAGISTRATES' COURT
OF SOLOMON ISLANDS

Criminal Jurisdiction

Criminal Case No. 624 of 2019

On the 9th day of April 2020
Coram: Ricky Iomea, Deputy Chief Magistrate

Ms. Ethel Mae'ue for Police Prosecutions
Mr. Daniel Kwalai for the Accused.

BETWEEN:	REGINA	Complainant
AND:	REX REILUA	Accused

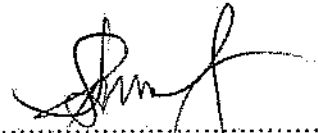
SENTENCE

1. The defendant has been charged with four counts of False Pretence contrary to section 308 (a) of the Penal Code. He was arraigned by a magistrate of the First Class and pleaded guilty to all four counts. The matter was then listed before this court yesterday for sentencing submissions when the Court required confirmation of the pleas. Counsel for the Accused then confirmed pleas of guilty to all four counts on behalf of the Accused. The Accused therefore, is convicted on his own guilty pleas to the four counts of false pretence.
2. The facts agreed are that it was on Wednesday 26th June 2019 when the Accused arrived at Tetere Police married quarters and invited that community for an awareness talk with him about the program of Jerusalem Anointing Water said to be run by the Australian High Commission in Solomon Islands and is headed by Doctor Peter Sade from Canada whose Mobile phone number is 7961935. This was not true.
3. The defendant was saying that he is one of them who is conducting the awareness program to promote the entire Jerusalem Anointing Water and was employed by that organization.
4. The defendant made emphasis on the use of Jerusalem Anointing Water and continued to stress that it can cure all kinds of human sickness.
5. Further, he mentioned that their office is situated at the Panatina Plaza, level 2, room 8 and their office contact number is 23333 in Honiara.
6. According to him, the Jerusalem Anointing Water can cure all types of sickness. He displayed all the bottles containing Jerusalem Water and sold them to people at the cost of \$100.00 per bottle.
7. There were five people who bought the items. A total of \$500.00 cash was received by him for the product and walked away with that money.

8. Sgt James Mau was also present at the time of the meeting. He went to his office at Teterè Police Station and contacted the phone number 23333 which the defendant claimed was their office number.
9. The number belongs to the Asian Bank and not the number he is claiming to be their office number.
10. Not long after, Sgt James Mau boarded the Police vehicle and ran after the defendant. He caught up with the defendant at KD shop and brought him to Teterè Police Station where the defendant admitted telling lies to those people to obtain money.
11. He was arrested and took part in a Record of Interview in which he admitted telling lies to gain money.
12. The \$500.00 was recovered from the defendant and returned to the victims.
13. As can be gathered from the facts, the modus operandi employed by the Accused is interesting. The manner in which he committed the offence clearly reflects pre-planning and clearly shows the work of a conman.
14. Those who go around telling lies to unsuspecting members of the public, with the aim of obtaining from them their hard earned money, must know that one day they will be stopped in their tracks and face consequences they do not desire. This is what happened in this case.
15. People, like the defendant, must be reminded that there are lawful ways of making money and earning a decent living. Only those who are lazy will engage in illegal ways to gain money. The Court has a duty to protect members of the public from conmen and will impose sentences that will remind those who wish to follow the footsteps of the defendant that they will be punished for their actions. The amount involved may not be substantial but such unlawful act must be condemned and deterred with an appropriate sentence.
16. Taking into account the facts of the case and the aggravating factors, a starting point of 12 months imprisonment is appropriate for each of the charges.
17. In mitigation, I noted that the Accused is a first time offender.
18. He has pleaded guilty to the charges at the first available opportunity. The Accused is remorseful for his action as reflected by the plea entered.
19. He did not benefit from his unlawful action as the \$500 he took from the five complainants were recovered from him and returned to the complainants.
20. To reflect the mitigating factors, I will deduct 5 months from the starting point for each of the charges.

21. For each of the counts, the Accused is sentenced to 7 months imprisonment. Although there are five victims, the offences were committed in a single transaction therefore, the sentences will run concurrently to each other.
22. The total effective sentence to be served is 7 months imprisonment. I am of the view that this sentence is appropriate in the circumstances of this case. The sentence is backdated to commence on the date the Accused was remanded in custody.

The Court,



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Ricky Iomea - Deputy Chief Magistrate.

