

No reconciliation or payment of compensation was ever conducted or made to the Complainant by the accused.

Simple larceny facts

On 7th November 2020 around 1: 30 am the defendant went down to Forest valley. He saw the Complainant at Forest valley area. The defendant then approached the Complainant from behind and grabbed into her pocket and took out a sum of \$60.00 from the Complainant. The money was never recovered. The defendant then told the Complainant not to speak by saying "iu no talk nogud mi medam iu" and "iu no talk nogud mi bii lo mouth blo iu". He then left.

Those are the facts that gave rise to the two charges. Both offences carry a maximum penalty of 5 years imprisonment. That means that the Court can consider imposing a custodial sentence up to 5 years and it reflects how serious Parliament view these offences. It is an accepted sentencing approach that the maximum penalty is only reserved for the worst type of these offendings.

Sentence remarks and sentence

The unlawful wounding offending is aggravated by the following factors;

The use of a weapon. The Accused used a sling to shoot the Complainant resulting in injury to the head of the Complainant.

The injury was done to a vulnerable part of the body, the head. The facts indicate that the Complainant fell on the ground unconscious when the stone landed on his head indicating the string force applied when releasing the stone from the sling. Fortunately, the injury appeared to be not life threatening as the Complainant was discharged on the next day after being admitted for treatment during the night of the incident.

The accused clearly had no respect for the Complainant in the Simple larceny offending. He removed the money and threatened the Complainant. Although it was not a substantial amount of money, it was a loss to the Complainant. This makes this offending serious.

I noted that the Accused is not a first time offender. On the 30th day of October 2019 he appeared before this Court and was sentenced to a total sentence of 18 months imprisonment for one count of Simple larceny, one count of criminal trespass, one count of threatening violence and two counts of common assault. Whilst the Court must be careful not to sentence the accused for his previous convictions, the reoffending in this present case are of similar nature to some of the previous offences for which he was convicted and it seemingly indicate that he has a tendency to commit similar offences. The subsequent reoffending also suggests that he has not learned from the time he had spent in custody in the past.

I repeat the remarks I made earlier in 2019 when sentencing the accused that persons who commit these kinds of offences are persons with selfish and careless attitudes and have no respect for others and their properties. Innocent people, living in communities in this country have rights to live and enjoy their lives freely, without fear, intimidation and harm.

The Court, has a duty to ensure that members of the community are protected from this kind of unlawful behavior by the defendant and other like-minded persons. Thus, deterrence both specific and general, is an important consideration in this case.

The only mitigating factor in this case in my view is the pleas of guilty entered to the charges.

Sentence orders

Having assessed the facts, the aggravating factors and the need for deterrence, I impose the following sentences;

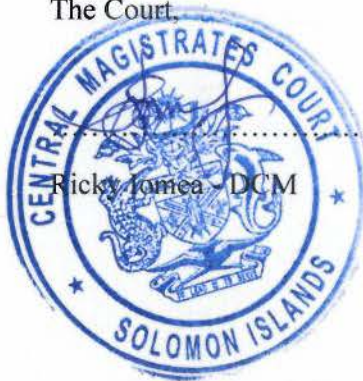
Unlawful wounding charge - 16 months imprisonment

Simple larceny charge – 10 months imprisonment

I order that the sentences are to run consecutively to each other. The total sentence is 26 months imprisonment.

I further order that 6 months be deducted from the total sentence to reflect the Accused's pleas of guilty. So the total effective sentence to be served is 20 months imprisonment. The sentence is back-dated to commence on when he was remanded in custody for these offences.

The Court



Ricky Jomea - DCM