

In the Central Magistrate Court Buala Circuit
Criminal Jurisdiction
Criminal Case no. 261 of 2021



Regina
V
Brandon Dei

*Coram: Emma Garo Chief Magistrate
Mr. Sergeant Felix Lokumana for Police
Ms. Suzie Pengalo Public Solicitor's Office for the
defendants
Date of hearing: 19th May 2021
Date of Sentence: 19th May 2021*

Sentence

Charge

1. The defendant pleaded guilty to 1 count of domestic violence contrary to section 4(1)(a) and section 58 of the Family Protection Act 2014. The maximum penalty for this offence is a fine of 30,000.00 penalty units or three years imprisonment.
2. I take into account guilty plea at the first opportunity. The Defendant is also a first offender. The defendant is still a young man.
3. The reason for assaulting the Victim is because she is said to have arranged for defendant's sister a 19 year old female to go and meet with her boyfriend in the bush.
4. Firstly the sister of the defendant is 19 years old. Above 18 years old she is by law considered

to be an adult capable of making her own decisions.

5. There is nothing in the facts to show that the defendant demanded compensation from his sister and also there is nothing in the facts to show that an offence in custom that has been breached. In any event, I have not come across any law in custom that say you must assault anyone who breached custom.
6. The defendant in my view should have allowed the elders to deal with the issue. Instead he took a stick and administered own punishment.
7. If I were to accept the reasons stated in the agreed facts that the victim arranged for the defendant's sister to meet with her boyfriend as a genuine mitigating factor, I would in effect be setting a bad precedent in Solomon Islands - where brothers think they could just assault their sisters for alleged wrongs in custom.
8. I take into account the following mitigating factors presented on behalf of the Defendant;
 - a) The guilty plea entered.
 - b) The Defendant is a first offender.
 - c) The Defendant cooperated with the Police.
 - d) The Defendant is remorseful.
 - e) There were no physical injuries.
9. I take into account that the defendant intends to attend vocational school to do carpentry. Carpenters build homes - I hope you will learn to respect and build relationships at home like the houses he will learn to design and build when goes to study carpentry.

10. When viewed together these are powerful mitigating factors. However, I must balance this against the aggregating factors. - A weapon was used. As if it was not enough, that he slapped her twice. The Victim is his cousin sister. In many customs in the Solomon Islands, brothers should not fight their sisters; this must include not assaulting their sisters.
11. Therefore taking into account the fact that the nature of the assault on the Victim was unwarranted and was an unnecessary execution of force and pain on her because the defendant is a brother.
12. Issues like this will arise in the family but there are ways to deal with this by peaceful means and in according to the law.
13. I am of the view that a short sharp and shocking sentence is warranted. I sentence the defendant to 6 months imprisonment.

Dated this 19th day of May 2021

