

IN THE TULAGI MAGISTRATE COURT
Criminal Case 336 of 2021



REGINA
V
JOHN KABELE

P/C Kangea for the Crown
Counsel Mr. Harunari for the Defendant

Date of Hearing: 1st July 2021
Date of Judgment: 2nd July 2021

SENTENCE

PM Taeburi,

1. The accused pleaded guilty to one count of common assault contrary to section 244 of the Penal Code.
2. He assaulted the complainant using a ½ a metre stick. He argued with the complainant, followed her to her house and into her bedroom before assaulting her.
3. I convict the defendant on these facts.
4. In sentencing him I take into account that he used a stick.
5. He persisted after the complainant before assaulting her.
6. He assaulted a female.
7. I also consider that he pleaded guilty.
8. He is a young man.
9. He is not a man of previous good character. He has been previously convicted for various offences. In 2018, he was convicted for restriction on making liquor, burglary and simple larceny. In 2019, he was convicted for criminal trespass and using threatening words. In 2020, he was convicted for common assault.
10. From his criminal history it is clear that he has not learnt his lesson yet. It is wrong to commit violence against other people.
11. I consider his personal background. I was informed that his mother has passed away at an early age. His father has remarried and is now living with his new family. His other siblings also have their own lives. He lives with his aunt, his late mother's sister. His lawyer submits that he comes from a broken family and he is probably struggling to cope with life.
12. His personal background do not justify the criminal actions he committed. They do however provide some insight as to his circumstances.
13. It is very clear in this case that there is indeed a need for specific deterrence. In my view, there is equally a need for rehabilitation. In my view, it is important that the society and our criminal justice system does not give up when dealing with repeated offenders like this accused. I think the life issues that he is struggling to cope with are rooted somewhere deep inside him. I believe that proper and meaningful counselling coupled with unfailing family support is probably a way forward.

14. The maximum penalty for common assault is 1 year imprisonment.
15. In my view, given his prior history, the appropriate sentence is 4 months imprisonment.
16. Right to appeal within 14 days.

