



**IN THE CENTRAL MAGISTRATES' COURT)
OF SOLOMON ISLANDS AT HONIARA)
(Criminal Jurisdiction)**

Criminal Case No. 355 of 2021

REGINA

-v-

ROCKSON FILIGA

Date of plea: July 6, 2021
Date of hearing: July 7, 2021
Date of sentence: July 21, 2021

*Mr. Nickson Tonowane for the Crown
Mr. Bobby Harunari for the Accused*

SENTENCE

- [1] Mr. Filiga, you appear before me today on a count of Assault Causing Actual Bodily Harm contrary to section 245 of the Penal Code (Cap. 26). You have entered a guilty plea on July 6, 2021, and was remanded in custody, after the court had informed you that an imprisonment is unavoidable in your case. These are the reasoning for your sentence.
- [2] The facts in brief revealed that, on May 10, 2021 at around 7:00pm to 8:00pm, the victim returned from garden and discovered his music box (Bluetooth speaker) was removed from his storeroom at Sorana village. The victim was informed that the speaker was with you. He sent his nephew to go and get the speaker back from you, who was drinking alcohol at the seaside with your father. Not long, the nephew returned with the speaker to the victim.
- [3] While the victim was smoking at his house, you appeared beside the kitchen and called him. The victim who was sitting on the upper floor of the house stood up and moved close to see you, and that was when you punched him with your right hand closed fist on his left forehead. You then proceeded and landed another punch on his mouth, which caused injuries to his lower lip and left eye. Fortunately, your sister intervened and stopped the fighting. You then left the scene.
- [4] The offence of Assault Causing Actual Bodily Harm carries a maximum penalty of five (5) years imprisonment. This is a significant imprisonment term, and one which demonstrates the intention and concerns of our lawmakers to discourage such offending in our communities. Equally, it reflects the need for every human being to treat each other with respect and dignity. The 5 years maximum term is set out to use for the extreme cases, and that each case is assessed sparingly based on their own unique facts and circumstances.
- [5] I confirm the following as the aggravating factors for your case: First, the utter disrespect to persons and property. It is obvious that you displayed a clear no care attitude towards the victim on the date of offending, and when he properly acquired his speaker, after you took it without his permission, you went after and assaulted him. Second, the repeated action, you did not stop after your first punch to his forehead, instead landed another on his mouth, which has caused injuries to his lower lip. Your actions caught the defendant by surprise, and he had no opportunity to escape, I agree there was some premeditation, if not, substantial. Lastly, you were intoxicated

with alcohol when you committed the offence against the victim, which has dislodge your self-control, you must accept the consequences of that alcohol has done on yourself.

- [6] For reason that you went after the victim, after he had already received his speakers, and assaulted him without any reason while he was in a defenseless position explains your criminal culpability. I must place it at the mid-range of Assault Causing Actual Bodily Harm.
- [7] Having considered the facts of this case, similar case authorities¹, the circumstance of offending, and your criminal culpability, I pitch the starting point at 6 months imprisonment. And, I increase it by 4 months to consider the aggravating factors in your case.
- [8] For mitigation, I first, deduct 3 months to consider the fact that you have entered an early guilty plea to the charge, which you have shown remorse through it and during your plea hearing. Your guilty plea has reserve the Solomon Islands Government's resources to other heavily contested cases. I shall further deduct 2 months to consider you being a first-offender, young person, and corporation with the police during investigation. In total, 5 months is deducted from the head sentence. As such, you will serve the 5 months imprisonment term.
- [9] You are a young person and obviously have a lot to learn and explore in life, I must strongly warn you to refrain from alcohol and bad peers, if you think that those are factors influencing your character or attitude. There is no place for such bully or domineering attitude in our community, and courts would pass heavy sentence for offenders that assault innocent victims out of pride or arrogance.

Sentence orders

[11] Upon considering what I have discussed earlier in this sentence, I make the following orders:

- 1.1. I hereby sentence you, Mr. Rockson Filiga to **5 months imprisonment**.
- 1.2. The sentence to commence from date of first remand.
- 1.3. Right of appeal applies within 14 days of this sentence.
- 1.4. Conviction is entered.
- 1.5. Order accordingly.

THE COURT



Mr. Leonard B. Chite
Principal Magistrate
Central Magistrates' Court



¹ *Kilatu v R* [2005] SBHC 118; *R v Patare* [2014] SBHC 79; *R v Fakatonu* [1990] SILR 97; *R v Chacia* HCSI-CRC 95 of 2012; *R v Panio* [2016] SBMC 4; Criminal Case 1207 of 2015 (15 March 2016)