

IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 286 of 2021

REGINA
V
BILLY NO'APAI

Before: Principal Magistrate Ms. Fatimah Me'ere Taeburi
Mr. John Mark Saugaro (PPD) for the Crown
Mr. Bobby Harunari (PSO) for the Defendant

Date of Submissions: 28th July 2021
Date of Sentence: 29th July 2021



29/7/21



SENTENCE

PM Taeburi,

1. The defendant pleaded guilty to one count of unlawful damage contrary to section 326(1) of the Penal Code, one count of criminal trespass contrary to section 189(1)(b) of the Penal Code and one count of resisting arrest contrary to section 190 of the Police Act 2013.
2. The incident giving rise to the charges occurred at Rennell. He argued with the complainant in front of the complainant's house. He went back to his house, took a bush knife and returned to the complainant's house. He went onto the complainant's property uninvited and cut down the complainant's pawpaw tree and coconut trees.
3. The police at Rennell went to arrest him the next day. He refused to comply with directions and he resisted arrest.
4. I convict him on the facts.
5. In sentencing him I take into account that he used a bush knife when committing the offences against the complainant, Mr. Jeffery Hati'uhi. I consider the long term value of the plants to the complainant. I also take into account that he persisted in committing the offences.
6. In mitigating, I consider that he pleaded guilty to the charges. He is a first time offender. He is now 57 years old. He has been a law abiding citizen for most of his life.

7. I consider that he must have been proved to some extent. The argument between him and the complainant arose out of a long standing land dispute between their families. I must however remind the convict and others that there are lawful means of resolving land issues. Taking the law into one's own hands is not the solution but rather will escalate the situation and will only bring more problems.
8. In relation to the charge of resisting arrest. I have said this before and I will repeat myself here. The institution of the police must be respected by the public. This is because the role of the police in the society is very crucial. They ensure that law, order and stability are maintained. Imagine what it would be like without police officers to enforce law and order.
9. The maximum penalty for unlawful damage is 2 years imprisonment.
10. The maximum penalty for criminal trespass is 3 months imprisonment.
11. The maximum penalty for resisting arrest is 3 years imprisonment.
12. In my view the appropriate sentence in the circumstances is as follows;
 - a) Count 1 – unlawful damage – 1 month imprisonment;
 - b) Count 2 – criminal trespass – 1 month imprisonment;
 - c) Count 3 – resisting arrest – 2 months imprisonment;
 - d) All sentences to be served concurrently;
13. I was informed that the convict has spent more than 2 months in custody for these offences. He is to be released from remand at the rising of the court.
14. Right to appeal within 14 days.

Dated this 29th Day of July 2021



Principal Magistrate, Ms. Satimgh Me'ere Taeburi