



IN THE CENTRAL MAGISTRATES COURT OF SOLOMON ISLANDS

AT HONIARA

(Criminal Jurisdiction)

Criminal Case No: 293 of 2020 and Criminal Case No. 213 of 2020 (consolidated cases)

REGINA

-V-

ADI RAMO

Coram: HOLLISON F (PRINCIPAL MAGISTRATE)

Appearances:

Ms Myrella Claven, Senior Legal Officer, ODPP, for the Crown

Mr Rodney S Manebosa, Principal Legal Officer, PSO, for the Defendant

*Date of Ruling: 13<sup>th</sup> August 2021 at 2pm*

Notice: *This copy of the Court's Reasons for Judgment/Sentence is subject to formal revision prior to publication.*

## SENTENCE

### INTRODUCTION

1. The Criminal Case Number 293 of 2020 (CC No. 293 of 2020) and Criminal Case No. 213 of 2020 (CC No. 213 of 2020) were consolidated as they both deal with the same defendant Mr Adi Ramo. In CC No. 213 of 2020, the defendant pleaded guilty to one count of House Breaking and committing felony contrary to section 300(a) of the *Penal Code* [Cap 26]. In CC No. 293 of 2020, the defendant pleaded guilty to two counts of House breaking with intent to commit felony contrary to section 301 (b) of the *Penal Code* [Cap 26], one count of Willful and unlawful damage to property contrary to section 326 of the *Penal Code* [Cap 26], and one count of being found by night in possession of house breaking implements contrary to section 302 (b) of the *Penal Code* [Cap 26]. I now convict him based on the pleas entered on all counts.

## FACTS

2. The defendant in these cases is Adi Ramo, 20, of Kwalo village, North Malaita in the Malaita Province.

### CC No. 213 of 2020

3. The complainant in CC No. 213 of 2020 is Philip Enteria Salvador, the owner of the New Generation Shop at Mission Place area, Point Cruz in Honiara.
4. On the night of the 12 February 2020, at around 9:30pm, the defendant climbed onto the roof of the Anglican Church of Melanesia old office building, now demolished, which was located adjacent or next to the New Generation Shop.
5. The defendant then used a hammer and a black-colored pliers to open a window screen net by cutting it. He then pulled himself through the window into the shop and went down a ladder into the shop area.
6. He stole the following items from the said shop:
  - 1) 3 sleeves of pall mall cigarette;
  - 2) 4 sleeves of red bro cigarette;
  - 3) 5 sleeves of army cigarette;
  - 4) 1 box of colored lighter;
  - 5) 1 tray of PK gum;
  - 6) A *Our Telekom* sim card;
  - 7) 3 bmobile sim card;
  - 8) 15 yellow handle kitchen knife;
  - 9) 1 (button) mobile phone; and
  - 10) 1 brown bag
7. The total value of the goods stolen is SBD 4, 276.
8. The defendant was captured on closed-circuit television ("CCTV") camera on the date when the incident occurred. He was identified from the footage. There was very clear identification of the defendant's face and the tattoos that he had on his body from the footage.
9. On the 27<sup>th</sup> February 2020, the defendant was located by Police. He was arrested and taken to the Central Police Station in Honiara. He participated in an interview on the 28<sup>th</sup> February 2020. The defendant admitted during the interview that he was the person in the CCTV footage recorded on the date of the incident.

CC No. 293 of 2020

10. The victim in the second case is the Solomon Islands Government.
11. On the night of the 25<sup>th</sup> February 2020, the defendant was seen within the National Museum premises in West Honiara in the nation's capital. On the said night, the defendant broke and entered the RAMSI Gallery building by cutting the netting and removing the louvre glasses of that building.
12. The defendant also removed the window frame of the Culture Department office and entered the said office. He then proceeded to damage the glass window of the main museum gallery by shooting a stone through the window. The sound from the broken window (glass) alerted the security guards. He was later apprehended by two off-duty police officers.
13. The security guards mobilized and checked around the vicinity. They quickly noted that the netting on the RAMSI gallery building window had been opened and the louvre glasses were removed. A window on the main museum gallery building was also damaged. The security guards saw a bag containing pliers, knives, Allen key and other implements underneath the RAMSI gallery building.
14. The bag containing the pliers, knives, Allen key and other implements belonged to the defendant.
15. The RAMSI gallery building, the National Museum Gallery, and the Culture Department Office building are owned by the Solomon Islands Government.
16. **Pre-Sentence-Custody.** The defendant was remanded since 28<sup>th</sup> February 2020.

DISCUSSION AND ANALYSIS

17. The principles of sentencing such as punishment, retribution, deterrence and rehabilitation must be taken into account. I also remind myself that a sentence must always be proportionate with the severity of the offence.
18. In *Regina v Bade* [1988] SPLawRp 12; [1988] SPLR 348 (21 December 1988)<sup>1</sup>, his Lordship Ward CJ stated as follows:

*For a normal burglary case, the only appropriate penalty must be an immediate custodial sentence. Where the burglary is not aggravated in any way, the starting-point for an adult first offender should be two years' imprisonment. From that point, this Court should*

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<sup>1</sup> *Regina v Bade* [1988] SPLawRp 12; [1988] SPLR 348 (21 December 1988)

*consider any aggravating factors such as committing the offence with the support of others, theft of personal items that can be little or no value to the thief, general ransacking of the house, wanton damage, pre-planning, and the degree of breaking necessary to gain entry. If such matters are present they should add to the penalty. Where masks are used, weapons are carried, threats are made, or similar escalations in the seriousness of the offence are present, the penalty should be further increased and it would rarely be appropriate to pass a sentence of less than four years.*

### **Factors to be considered**

19. **Maximum sentence.** The maximum sentence for house breaking contrary to section 300(a) is 14 years imprisonment which means this is a serious offence.

### **Aggravating features**

20. The aggravating factors are as follows:

#### **The offences committed at night.**

21. The defendant committed the offence at night which is an aggravation. In *Regina v Funifaka* [1997] SBHC 31; HC-CRC 033 of 1996 (6 June 1997)<sup>2</sup>, Palmer J (as he then was) stated at page 16-17 as follows:

*In those circumstances, I am satisfied an immediate custodial sentence must be expected and imposed. The message must be made clear and plain that those who venture out at night, armed and break into peoples' homes and attack people in their homes must expect to be sent to prison.*

### **Pre-Meditation and Planning**

22. The manner in which the offence was committed depicts premeditation on the part of the accused. The defendant climbed the window of the shop with a hammer and plier which he used to gain entry into the shop. He chose a window which one can easily have access directly into the shop.
23. He climbed into the window on top of the building next to the shop. He opened the window by force with a hammer and he also cut the window screen with a black-colored pliers.

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<sup>2</sup> *Regina v Funifaka* [1997] SBHC 31; HC-CRC 033 of 1996 (6 June 1997)

### Severity of offence/Properties stolen/loss

24. The complainant was permanently deprived from the use and or sale of his properties. It is a loss for his business. The total value of the properties lost is SBD 4, 276. There is no doubt that the property rights of the complainants stipulated in sections 8 and 9 of the *Constitution of Solomon Islands 1978*<sup>3</sup> were infringed by the commission of these crimes.

### Use of Weapon

25. The facts revealed that the defendant forcefully opened the window using a hammer and that the defendant had used a plier to cut the window net screen which was eventually opened.

### Mitigating Features

28. The mitigating factors are as follows: early guilty plea, remorse, first time offender, cooperation with the Police and the defendant's personal circumstances including his age and youthfulness.

### COMPARATIVE SENTENCES

#### House Breaking

29. In *Regina v Onumumu* [2016] SBMC 15; Criminal Case 181 of 2016 (13 June 2016)<sup>4</sup>; the defendants were sentenced to 30 and 31 months imprisonment respectively for one count of office break-in contrary to section 300(a) of the *Penal Code* [Cap 26].
30. In *Regina v Meke* [2018] SBHC 13; HCSI-CRC 123 of 2017 (22 January 2018)<sup>5</sup>; the defendant pleaded guilty to one count of house breaking with intent to commit felony, contrary to section 301 of the *Penal Code*. Further, he pleaded guilty to two counts of rape, contrary 136 F (i) (a) of the *Penal Code (Amendment) Sexual Offences Act 2016 (Cap. 26)*. The defendant was sentenced to two years imprisonment for the offence of house breaking and eight years imprisonment each for the two counts of rape which were all ordered to run concurrently.
31. In *Gore v Reginam* [2007] SBHC 53; HCSI-CRC 84 of 2006 (25 May 2007)<sup>6</sup>; the defendant was convicted in the magistrate's court for the following offences:

- 1) Stealing one black basket, two blankets, two pillow cases from a dwelling house belonging to Tom Seka on the 18th of March 2005.

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<sup>3</sup> *Constitution of Solomon Islands 1978*, ss 8 and 9

<sup>4</sup> *Regina v Onumumu* [2016] SBMC 15; Criminal Case 181 of 2016 (13 June 2016);

<sup>5</sup> *Regina v Meke* [2018] SBHC 13; HCSI-CRC 123 of 2017 (22 January 2018)

<sup>6</sup> *Gore v Reginam* [2007] SBHC 53; HCSI-CRC 84 of 2006 (25 May 2007);

- 2) Stealing the sum of \$52.00, one tool bag and one pocket knife from the Methodist Church Office at Gizo on 16th March 2005.
- 3) Stealing \$320.00 from a woman in the same house he was living in on 18th March 2005.
- 4) Breaking into the Gizo Community High School and stealing a large number of property, with total value of \$1,415.00 on 16 March 2005.
- 5) Escaping from lawful custody on 28th March 2005.

He was sentenced to 12 months imprisonment for one count of breaking into the Gizo Community High School and for committing theft. The High Court although allowed the appeals for the other counts, it did not disturb the sentence with respect to one count of house breaking and confirmed the 12 months imprisonment imposed in the Magistrates Court.

32. The offences of burglary or house breaking contrary to sections 300 and 301 of the *Penal Code* [Cap 26] customarily would attract immediate custodial sentences. The normal sentencing range for this offence ranges from custodial sentences from a couple of months up to 3 years imprisonment.

#### **Starting Point**

33. Thus, I am of the view that an immediate custodial sentence must be imposed for the defendant. The appropriate starting point in my view is 36 months imprisonment.
34. I note the aggravating features present in this case such as the use of weapon to gain entry into the building and the loss of properties as a result of the thieving, hence, I increase the sentence by 12 months which gives a total of 48 months.<sup>7</sup>

#### **Mitigating Factors**

35. **Early plea and remorse.** The defendant entered an early plea in this case. The delay was because he initially pleaded not guilty to one of the counts in the second case, hence, parties with the approval of the court opted that this matter should await the outcome of the trial matter. The defendant initially pleaded not guilty to one of the counts, however, after the investigators obtained an additional disclosure which is a finger print evidence, he pleaded guilty to the said charge without the need to conduct a full trial. This is also a sign of remorse and acceptance of his wrongdoings. Thus, I deduct 16 months (from the 48 months).
36. **First offender.** The defendant has a previous clean and good character until his conviction this afternoon. This is actually his first time to be convicted for any crime. Thus, I deduct another 2 months.
37. **Cooperation with Police.** He cooperated well with the Police. Thus, I deduct another 2 months.

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<sup>7</sup> *Pitumama v Regina* [2005] SBHC 45; HCSI-CRC 003 of 2005 (11 March 2005).

38. **Personal circumstances and chances of rehabilitation.** The defendant is only 20 years old. He is still young and has a very good prospect of rehabilitation. Thus, I deduct 4 months.
39. I am satisfied that 24 months is appropriate for the only charge of house breaking in the CC No. 213 of 2020.

**CC No. 293 of 2020**

**Maximum Sentences.**

40. **House breaking.** The maximum sentence for house breaking contrary to section 301 (b) of the *Penal Code* [Cap 26] is 7 years imprisonment.<sup>8</sup>
41. **Unlawful Damage.** The maximum sentence for willful and unlawful damage is contrary to section 326(1) of the *Penal Code* [Cap 26] is 2 years imprisonment.
42. **Armed with housebreaking implements.** The maximum sentence for being found by night armed or in possession of housebreaking implements contrary to section 302(b) of the *Penal Code* [Cap 26] is 5 years imprisonment.

**Other Aggravating Factors**

**Committed at night**

43. The offences in the second case were also committed at night which is also an aggravation.<sup>9</sup>

**Damage to Government property**

44. He also damaged certain government property in the course of the offending. His actions were disrespectful and added unnecessary financial costs to the Government and the state.

**Pre-Meditation.**

45. The defendant was in possession of house breaking implements at the time of the offending. There is no doubt that he was there at the crime scene on a mission to commit a felony or theft. He took the risk to commit the crime knowing very well that if he get caught, he will be in trouble.

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<sup>8</sup> *Penal Code* [Cap 26], s 301

<sup>9</sup> *Regina v. Fumifaka* [1997] SBHC 31; HC-CRC 033 of 1996 (6 June 1997)

### Sentencing Tariffs for the offence of house breaking.

46. In *Pitamama – v- Regina* [2005]<sup>10</sup>, the offender was sentenced to 3 years imprisonment for house breaking and 12 months for simple larceny which were made concurrent.

### Starting Point

47. I take into consideration the comments of Ward CJ in the *Bade's case* where his Lordship stated that “where the burglary is not aggravated in any way, the starting point for an adult first offender should be two years imprisonment.”<sup>11</sup> Hence, I am of the view that a starting point of 36 months (3 years) imprisonment is reasonable for the two house breaking charges in this present case.

48. In *Regina v Bade* [1988] SPLawRp 12; [1988] SPLR 348 (21 December 1988)<sup>12</sup>; it was enunciated that when a person commits an offence with the company of others and it involved the use of masks and weapons or “similar escalations in seriousness of the sentence are present, the penalty should be further increased...”.

49. I note that the defendant was in possession of certain weapons that he had used to commit the offence, the commission of it by night and the damage occasioned to the Government-owned property which are escalations and aggravating features.

50. Thus, I add another 12 months to reflect the aggravating features for the first two counts (1&2). This will give a sentence of 48 months.

51. Having reached that, I will now consider the mitigating factors and give due allowances for both counts (1&2).

### Mitigating Factors

52. **Early plea and remorse.** The defendant initially pleaded not guilty to one of the charges in these matters, hence, parties with the approval of the court opted that this matter should await the outcome of the trial of that particular charge. However, the defendant had changed his plea and pleaded guilty to the said charge without the need to conduct a full trial. This is also a sign of remorse and acceptance of his wrongdoings. Thus, I deduct 16 months from the starting point of 48 months.

53. **First offender.** The defendant has a previous good character prior to his conviction this morning. Thus, I deduct another 2 months.

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<sup>10</sup> *Pitamama v Regina* [2005] SBHC 45; HCSI-CRC 003 of 2005 (11 March 2005).

<sup>11</sup> *Regina v Bade* [1988] SPLawRp 12; [1988] SPLR 348 (21 December 1988)

<sup>12</sup> In *Regina v Bade* [1988] SPLawRp 12; [1988] SPLR 348 (21 December 1988)

54. **Cooperation with Police.** He cooperated well with the Police. Thus, I deduct another 2 months.
55. **Personal circumstances and chances of rehabilitation.** The defendant is only 20 years old. He is still young and has a good prospect of rehabilitation. Thus, I deduct 4 months.
56. Thus, I am satisfied that 24 months is appropriate for the two counts of house breaking in CC No. 293 of 2020.
57. I will now move on to consider the third count in CC No. 293 of 2020.

### **Count 3: Willful and unlawful damage**

58. The comparative sentence for the offence of unlawful damage are as follows:
59. In *Regina v Wanefalea* [1992] SBHC 62; HCSI-CRC 13 of 1992 (27 May 1992)<sup>13</sup>, the offender was sentenced for a number of offences including malicious damage. In that case, the offender plunged the knife into two fibre-glass canoes damaging them. He was sentenced to four months imprisonment each for the two counts of malicious damage, which were served concurrently with the more serious charge of armed robbery for two and half years.
60. In *Regina-v-Goro* [2016] SBMC 24; Criminal Case 1277 of 2015 (15 September 2016)<sup>14</sup>, the offender pleaded guilty to a number of offences including two counts of malicious damage contrary to section 326(1) of the *Penal Code*. He was sentenced for five (5) months each for the malicious damage. The offender in the *Goro case* actually pulled down the verandah and the walling of the victim's house.<sup>15</sup>
61. In *Regina v Alatala* [2017] SBMC 57; Criminal Case 777 of 2017 (16 November 2017)<sup>16</sup>, the offender was charged and found guilty of malicious damage including other offences. The offence involved the shooting and breaking of the back glass of a moving vehicle. The offender was sentenced to one (1) year or twelve months for malicious damage. The final sentence, however, combining other offences is two years and nine months.
62. The sentences for malicious damage offences imposed so far in the superior courts and this court include penalty fines, non-custodial sentences, and custodial sentences ranging from one month up to eighteen months.

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<sup>13</sup> *Regina v Wanefalea* [1992] SBHC 62; HCSI-CRC 13 of 1992 (27 May 1992)

<sup>14</sup> *Regina-v-Goro* [2016] SBMC 24; Criminal Case 1277 of 2015 (15 September 2016)

<sup>15</sup> The Court in that case imposed a sentence of 2 years and 2 months which included other offences combined with the malicious damage.

<sup>16</sup> *Regina v Alatala* [2017] SBMC 57; Criminal Case 777 of 2017 (16 November 2017).

63. Since the defendant was in possession of a weapon and the fact that he also damaged a government property, I am of the view that a custodial sentence is appropriate for this present case.
64. A starting point of 10 months imprisonment is appropriate. After having considered the mitigating factors such as early guilty plea and remorse, first offender, cooperation with the Police and the defendant's personal circumstances, I deduct 6 months to reflect the mitigating factors.
65. Thus, I am satisfied that 4 months imprisonment is appropriate for the charge of malicious damage.

**Count 4: Being found at night in possession of house breaking implements.**

67. This offence is directly related to the house breaking and malicious damage incidents that occurred on the same night. The maximum sentence is 5 years imprisonment.<sup>17</sup> Counsel referred me to at least two cases in the region and particularly in Fiji for similar offences. In *Tamani v State* [2008] FJHC 328; HAA090.2008 (28 November 2008)<sup>18</sup>, the Appellant was convicted on his own plea of guilty to an offence of being found by night in possession of house breaking implements, contrary to s.303 (b) of the Penal Code. The maximum penalty prescribed for that offence in Fiji at the time was 10 years imprisonment if the offender has previous conviction for any misdemeanor or felony; and in all other cases the maximum is 5 years imprisonment. The learned Judge opined that the term of 9 months imprisonment was neither wrong in principle nor manifestly excessive. The High Court stated that the Appellant should not squabble about the disparity in sentences. However, the appeal was only allowed in part. The sentence of 9 months imprisonment for the offence under s. 303 (b) of the Penal Code was reduced to 6 months imprisonment consecutive with the 12 months imprisonment for robbery with violence.<sup>19</sup>
68. In *Tirikula v The State* [2005] FJHC 427; HAA0134J.2005S (18 November 2005)<sup>20</sup>, the Appellant was sentenced to a total of five years imprisonment on the 31<sup>st</sup> of August 2005, on two separate files. They composed one term of 3 years imprisonment, and one term of 4 years to be served concurrently with each other but consecutive to a one year term in Case 1454/05. He appealed against the total sentence. The High Court of Fiji found that his sentence in the Magistrates Court was correct in principle and that he must serve it. The appeal was dismissed.
69. There is no dispute that those cases have only persuasive authority, however, essentially it can be deduced from those case authorities that custodial sentence is appropriate for the offence of possession of house breaking implements when it is associated with robbery, theft and stealing.

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<sup>17</sup> *Penal Code* [Cap 26], s 302

<sup>18</sup> *Tamani v State* [2008] FJHC 328; HAA090.2008 (28 November 2008)

<sup>19</sup> Note that in Fiji, the *Penal Code* [Cap 17] (which is a replica of the Solomon Islands *Penal Code* [Cap 26] had been comprehensively repealed by the *Crimes Decree 2009* in 2009 [http://www.pacii.org/fj/legis/consol\\_act/pc66/](http://www.pacii.org/fj/legis/consol_act/pc66/) (Accessed on 14<sup>th</sup> August 2021).

<sup>20</sup> *Tirikula v The State* [2005] FJHC 427; HAA0134J.2005S (18 November 2005).

70. After having considered the circumstances of the case, and the relevant factors, I am of the view that a custodial sentence is also inevitable. Thus, a starting point of 24 months imprisonment is appropriate.

71. I note the mitigating factors such as early guilty plea and remorse, first offender, cooperation with the Police and the defendant's personal circumstances, and I deduct another 12 months to reflect all the mitigating factors.

72. Hence, I am satisfied that 12 months is appropriate for the fourth count which is a charge of possession of house breaking instruments/implements at night.

### CONCLUSION

73. After assessing and balancing the core principles of sentencing such as punishment, deterrence and rehabilitation, I hereby sentence the defendant Mr Ramo as follows:

1] In CC No. 213 of 2020, I now sentence the defendant to 24 months imprisonment for one count of house breaking contrary to section 300(a) of the *Penal Code* [Cap 26].

2] In CC No. 293 of 2020, the defendant is sentenced for the four counts as follows:

1] Counts 1 & 2. I now sentence the defendant to 24 months imprisonment for each count that is counts 1 and 2 respectively contrary to section 301(b) of the *Penal Code* [Cap 26].

2] Count 3. I sentence the defendant to 4 months for one count of willful and unlawful damage contrary to section 326 of the *Penal Code* [Cap 26].

3] Count 4. I sentence the defendant to 12 months for one count of house breaking instruments contrary to section 302(b) of the *Penal Code* [Cap 26].

4] Counts 1 through 4 in CC no. 293 of 2020 occurred in close proximity to each other in terms of timing and they are no doubt part of the same transaction, and therefore they must all run concurrently giving a resulting sentence of 24 months, which must be served consecutively with the sentence in CC No. 213 of 2020 and the combined resulting sentence is 48 months or 4 years imprisonment.

74. **Totality Principle and delay.** I take note of the totality principle and the delay in this case, and I further deduct another 6 months.

75. In *Bati v Director of Public Prosecutions* [1986] SBCA 3; [1985-1986] SILR 268 (19 December 1986)<sup>21</sup>, the Court of Appeal said:

*In the present case when the circumstances of the organized breaking and entering and theft of the large sum of money are considered, and the principles of punishment already referred to are applied, we are unable to agree that the sentence of six years imprisonment was manifestly excessive. In this case we have heard the application for leave to appeal and also considered the substantive appeal.*

74. Thus, I am satisfied that 42 months (or 3 years and 6 months) imprisonment should be appropriate and reflects the criminality of all the offences in this case.

75. **Pre-Sentence-Custody.** The sentence must be retrospectively commenced on the date of first remand being the 28<sup>th</sup> of February 2020.

76. The courts have repeated time and again that the public must respect our business and commercial institutions, and also government properties rather than plundering from them for survival. More so, it is important that we must respect each other. In order for us to respect each other, such virtues such as respect, honesty, civility and cordiality can be cultivated and developed firstly at our respective homes and parents have a role to play in this. I wish to conclude by sharing what the Scripture says in the Book of Exodus in Chapter 20: 15 in which I quote: “*You shall not steal*”.<sup>22</sup> Despite our shortcomings, if a person repents and transforms, then he or she shall not die in the spiritual sense. The Scripture in the book of Ezekiel Chapter 33: 15<sup>23</sup> hearteningly states:

*If the wicked restores the pledge, gives back what he has taken by robbery, and walks in the statutes of life, not doing injustice, he shall surely live; he shall not die.*

## **ORDERS**

77. The orders of the Court are as follows:

[1] In CC No. 213 of 2020, the defendant is sentenced to 24 months imprisonment for one count of house-breaking contrary to section 300(a) of the *Penal Code* [Cap 26].

[2] In CC No. 293 of 2020, the defendant is sentenced for the four counts as follows:

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<sup>21</sup> *Bati v Director of Public Prosecutions* [1986] SBCA 3; [1985-1986] SILR 268 (19 December 1986)

<sup>22</sup> Exodus 20:15 [https://www.openbible.info/topics/stealing\\_money](https://www.openbible.info/topics/stealing_money) (Accessed 13 August 2021)

<sup>23</sup> Ezekiel 33: 15 [https://www.openbible.info/topics/stealing\\_money](https://www.openbible.info/topics/stealing_money) (Accessed 13 August 2021)

- 5] **Counts 1 & 2.** The defendant is sentenced to 24 months imprisonment each that is counts 1 and 2 respectively contrary to section 301(b) of the *Penal Code* [Cap 26].
- 6] **Count 3.** The defendant is sentenced to 4 months for one count of willful and unlawful damage contrary to section 326 of the *Penal Code* [Cap 26].
- 7] **Count 4.** The defendant is sentenced to 12 months is appropriate for the charge of in possession of house breaking instruments contrary to section 302(b) of the *Penal Code* [Cap 26].
- 8] Counts 1 through to 4 in CC no. 293 of 2020 occurred in close proximity to each other in terms of timing and they are no doubt arose out of the same transaction, and therefore they must all run concurrently giving a resulting sentence of 24 months.
- [4] The sentence in CC No. 213 of 2020 and 293 of 2020 must be served consecutively with each other and the combined resulting sentence is 48 months (4 years) imprisonment.
- [5] **Totality Principle and delay.** I deduct another 6 months noting the totality principle and the delay.
- [6] **Final Sentence.** The defendant shall serve a total of 42 months (or 3 years and 6 months) imprisonment for all the offences.
- [7] **Pre-Sentence-Custody.** The sentence must be backdated to the date of first remand being the 28<sup>th</sup> of February 2020.
- [8] Right of Appeal within 14 days.
- [9] The Court so orders.



  
PRINCIPAL MAGISTRATE FELIX HOLLISON  
THE COURT