

Issued
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REGINA v STEVEN JONES MOUTAI

Criminal Case No.: 655/2021
Court: Central Magistrates' Court
Prosecutor: Ms Luza
Defence: Mr. Weago
Coram: Ricky Iomea – DCM
Date of sentence: September 2, 2021

SENTENCE

You appear this afternoon for sentence after you have pleaded guilty to the charge of breaching the Restriction of Movement of Persons in Honiara contrary to Clause 4 (1) and (2) (a) and (b) of the Emergency Powers (COVID-19) (Honiara Emergency Zone) (Restriction of Movement) Order 2021 and Regulation 15 (1) (a), (2) and (4) of the Emergency Powers (COVID-19) (No. 2) Regulations 2021.

On 30th August 2021 at about 3:15 am you were found by Police not at your place of residence, namely Samson Moutai's residence at Central White River. You were sitting along the road to Wind Valley, in front of a white canteen, an area designated as an Emergency Zone during the restricted period. You had no lawful excuse to be there.

You heard about and knew that there was a lockdown from 6pm Sunday 29 August to 31 August 2021.

What aggravates the offending is that you knew the lockdown yet decided to be away from your place of residence. Your Lawyer submitted that you left your uncle's residence where you were residing because you were chased out. Accepting that submission is accepting evidence from the bar table. Since there is no evidence to support that submission, I will place no weight on that submission.

This offence is a strict liability offence which means that there is no defence. Whilst there is still no community transmission of COVID-19, your action shows disregard for measures put by the Government, which are necessary in preparing frontline agencies to combat any community transmission of this deadly COVID-19 in the country. Everyone should understand that orders made by the Government during this Emergency period are for the good of everyone and the nation. Our obligation is to obey them. If you fail then, you will face consequences that you do not desire.

You have pleaded guilty to the offence at the first available opportunity. It is submitted by your Lawyer that you are sorry for breaching the order. I will give you credit for that.

I understand that the range of sentences imposed for breaching similar orders in the past is fines of \$500.00 to \$1,000.00.

Having considered the facts of the case, your plea of guilty and the need for punishment and need to deter deliberate breaches of such orders in the future, I will impose a fine of \$700.00 in your case. In default, thirty days imprisonment. The fine is payable by close of business on 23rd September 2021.

