

REGINA v LYNUS TITI

Criminal Case No.: 646/2021

Court: Central Magistrates' Court

Coram: Ricky Iomea – DCM

Date of sentence: September 2, 2021

Prosecutor: Ms Waletofea

Defence: Mr. Houa



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 6:26 am Police officers were on patrol duty and were heading east on the Kukum Highway main road when they found you at the Kukum Highway near Solomon Motor away from your place of residence at Automate Shop. You had no lawful excuse to be there. You went to fetch water at your uncle's residence and upon your return the Police sighted you and arrested you.

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 leave your place of residence at Automate Shop. I noted that you left Automate Shop where you worked and also your place of residence to fetch water from your uncle's residence. Water is a necessary item for human survival and that is why prior to the lockdown people have been reminded to ensure to always have access to necessary items such as food and water during the lockdown period. This is to avoid leaving one's place of residence to get these items.

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 noted the circumstances of your offending but as I have stated earlier, you should have arranged for enough supply of water to be at your place of residence and work.

I understand that the range of sentences imposed by way of fines in the past for breaching similar orders ranges from \$500.00 to \$1,000.00. In this case, I am of the view that a fine is appropriate.

Having considered the facts of the case, your plea of guilty and the need for punishment and need to deter deliberate breach 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 of September 2021.

The Court,



Bicky Tometa - DCM