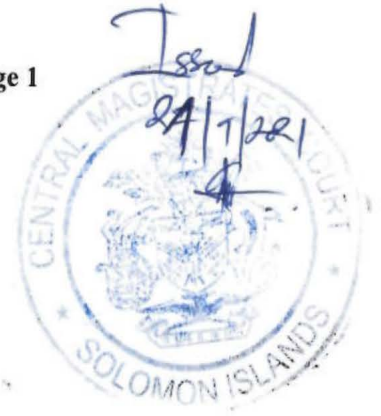


**IN THE CENTRAL MAGISTRATES' COURT)
OF SOLOMON ISLANDS AT HONIARA)**
(Criminal Jurisdiction)



Criminal Case No. 674 of 2021

REGINA

-v-

RICKSON OLISIA GALI

Date of plea: September 14, 2021
Date of hearing: September 14, 2021
Date of sentence: September 21, 2021

John Saugaro for the Police Prosecution
Defendant in person

SENTENCE

1. Mr. Gali, you appear before this court today to receive your sentence. On September 14, 2021, you appeared and pleaded guilty to 3 counts of traffic offences, namely; a count of *Using Unlicensed Motor Vehicle* contrary to section 7 (1) of the Road and Transport Act (Cap. 131), a count of *Using Uninsured Motor Vehicle* contrary to section 8 (1) of the Motor Vehicle (Third Party Insurance) Act (Cap. 83), and a count of *Taking Vehicle without Authority* contrary to section 59 (1) of the Road and Transport Act (Cap. 131). Therefore, a criminal conviction was registered against you, based on your guilty pleas.
2. I wish not to repeat the facts as it was read and agreed by you. Thus, would use it for the court's deliberation.
3. This is a regulatory and strict liability offence, meaning, there are no need for *mens rea* (intention) rather, unlawful act would constitute the offence. It carries a fine penalty that the court holds discretion to impose, varying on each facts and context of cases as they come.
4. For these counts, I accept that they stemmed from the same set of fact, or part of the same transaction. Hence, any sentence imposed must consider this significant aspect of it.
5. You had explained to court that the vehicle was placed under your care, and that it was under some mechanical issues on the date of offence. You were intending to use it to look for betelnut when you were arrested. I agree that you had deliberately took the vehicle, knowing full well that its licence and third party had expired. This was a blatant disregard to the traffic law.

6. Having considered the totality of facts, circumstance of the offending, and balancing with the aggravating and mitigating factors. I see it appropriate to impose the following fine penalties:

- (1) Count 1 – Using unlicensed Motor vehicle - **\$1,500.00**
- (2) Count 2 – Using Uninsured Motor Vehicle - **\$100.00**
- (3) Count 3 – Taking vehicle without Authority - **\$200.00**

7. As such, you must pay the total fine amount of **\$1,800.00.**

8. Fine must be paid by 8th October 2021 at 4:30pm. A sufficient time considering the financial impacts and effects of covid-19.

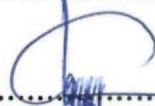
9. In default of payment, 3 months' imprisonment.

10. Conviction is entered.

11. Right of Appeal applies within 14 days.

12. Order accordingly.

THE COURT



MR. LEONARD B. CHITE
Principal Magistrate
Central Magistrates Court

