

IN THE CENTRAL MAGISTRATES COURT OF SOLOMON ISLANDS AT HONIARA

(Criminal Jurisdiction)

Criminal Case No: ⁶⁸⁷ 678 of 2021

REGINA

-V-

RONNY TAEFONU



PRESIDING MAGISTRATE: HOLLISON F (PRINCIPAL MAGISTRATE)

Appearances:

MS Amanda Mono, Senior Legal Officer, Office of the Director of Public Prosecutions for the Crown

Mr Donation Houa, Principal Legal Officer, Public Solicitors Office for the defendant

Date of Sentence: 13th December 2021

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

SENTENCE

INTRODUCTION

1. The defendant Mr Ronny Taefonu is presently charged with one count of Common Assault contrary to section 244 of the *Penal Code* [Cap 26]. He pleaded guilty to the offence and I now convict him.

SUMMARY OF FACTS

2. The complainant is Mr Claton Wato and he is 23 years old.
3. The defendant in this matter is Mr Ronny Taefonu of east Kwaio, Gounabusu village and is a current resident of Koa Hill, and a police officer.
4. On the 20th April 2020, the defendant was on his way to the Central Police Station in Honiara and saw his girlfriend, Penita James behind Kalala House walking and putting her hands on the complainant's shoulder, on their way to town ground Sol Plaza building.
5. When the defendant reached them, his girlfriend spoke to him. The defendant walked past without saying a word. When he reached his office at the Central Police Station he rang his girlfriend and enquired as to who she was walking with and swore at them. His girlfriend replied and said that the person was his best friend. The defendant was angry and swore at them. The he followed them to the girlfriend's house.

6. Along the way, he met up with his girlfriend and the complainant at the APTC bus stop, Town Ground. He then approached them and slapped the complainant twice on the face with both of his hands. After that, he left them.
7. He came back to his office and called his girlfriend on the phone again asking where she was. His girlfriend replied that she was with the complainant at her house. The defendant became very angry and went to his girlfriend's house.
8. Upon his arrival at the said house, he opened the door and went into the house and opened his girlfriend's room.
9. The defendant found the complainant and his girlfriend in the room and pulled them out and told the complainant to leave his girlfriend alone. The defendant then used his left leg to push the complainant and as a result he fell down the stairs.
10. He later apologized to the victim and shook hands with them and left.

DISCUSSION AND ANALYSIS

RELEVANT FACTORS FOR CONSIDERATION

Maximum Penalty

11. The maximum penalty for common assault contrary to section 244 of the *Penal Code* [Cap.26] is 1 year imprisonment.¹

Sentencing Principles

12. The sentencing principles such as deterrence, punishment and retribution must always be considered to guide the court to reach a just and appropriate sentence.
13. The aggravating features in the common assault charge are that the defendant attacked the complainant and slapped him twice at the bus stop at Town Ground, and he later followed the girlfriend and the complainant to her house, and pushed the complainant down the ladder. Secondly, he is also a police officer and should have known better rather than letting his emotions clouding his decision making ability.

Mitigating Factors

14. The mitigating factors include the following: early guilty plea and remorse, first offender, cooperation with the Police and the defendant's personal circumstances. These are addressed in detail later in the ruling.

¹ *Penal Code* [Cap 26], s 244

COMPARATIVE SENTENCES

15. In relation to common assault cases, the sentencing tariff for common assault in Solomon Islands ranges from penalty fines, non-custodial, and custodial sentences up to seven months.
16. In *Regina v Ilala* [2017] SBMC 18; CMC-CRC 325 of 2015 (14 June 2017)²; the defendant pleaded guilty to the following charges: with one count of Simple larceny, contrary to section 261(1) of the *Penal Code*; one count of Drunk and incapable, contrary to section 179 of the *Penal Code*; and one count of Common assault contrary to section 244 of the *Penal Code* [Cap 26]. He was sentenced amongst other charges, and received 4 months imprisonment for the common assault charge which totaled to 16 months imprisonment, which was partially suspended as well.
17. In this present case, the defendant slapped the complainant twice at the bus stop, and then later he pushed the complainant down the ladder. The complainant could have sustained major injuries when he fell down the ladder.
18. I am of the view that an immediate custodial sentence is also warranted in this present case and a starting point of 8 months is appropriate as a starting point.
19. **Early guilty plea.** The defendant in this charge entered an early guilty plea which saves the court's time and resources of having to conduct a trial. This is also a sign of genuine remorse. He is entitled to the usual deduction or allowance for an early guilty. I deduct 3 months to reflect the early guilty plea.
20. **First Offender.** The defendant is a first time offender and I deduct 1 month to reflect that factor.
21. **Cooperation with Police.** The defendant cooperated with the Police and I deduct a month to reflect his cooperation with the Police.
22. **Personal Circumstances.** The defendant is a police officer and should have known better especially about the law and how to control his emotions. He is also a relatively young person. I deduct 1 month to reflect his personal circumstances.
23. Thus, I am satisfied that 2 months' imprisonment is appropriate for the present charge of common assault contrary to section 244 of the *Penal Code* [Cap 26].

² *Regina v Ilala* [2017] SBMC 18; CMC-CRC 325 of 2015 (14 June 2017)

CONCLUSION

24. Having said that, I now sentence the defendant Mr Taefonu to 2 months' imprisonment for one count of Common Assault contrary to section 244 of the *Penal Code* [Cap 26].
25. I have considered the circumstances of the case, and the fact that there was no use of weapon, and taking into account that the defendant has been interdicted since 2020, I am satisfied that there is no impediment to invoke section 44(1) of the *Penal Code* [Cap 26], thus, I hereby suspend the sentence for 24 months.
26. The defendant is required to keep the peace and be of good behavior for 2 years. If in the event that he commits a crime within the said period, he may be ordered to serve the sentence in prison.
27. This is a lesson for the defendant and for our disciplined forces that no one is above the law.
28. The Police Commissioner and the Police and Prison Service Commission is now at liberty to independently deliberate and complete the disciplinary process against the convict who is also one of their members.

ORDERS

29. The defendant Mr Taefonu is convicted and sentenced to 2 months' imprisonment for one count of Common Assault contrary to section 244 of the *Penal Code* [Cap 26].
30. The sentence is suspended under section 44(1) of the *Penal Code* [Cap 26] for 24 months.
31. Right of Appeal applies within 14 days.
32. The court so orders.


PRINCIPAL MAGISTRATE FELIX HOLLISON
THE COURT