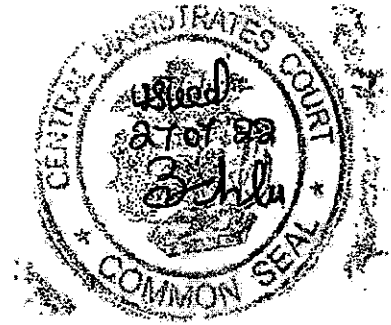


**IN THE SOLOMON ISLANDS MAGISTRATES' COURT**  
**AT HONIARA**  
**Criminal Case No. 965 of 2021**



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**REGINA**  
**v**  
**ALRICK WALA'AFU**

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Before: Principal Magistrate Ms. Fatimah Me'ere Taeburi  
Mr. Nickson Tonowane (DPP) for the Crown  
Mr. Paul None (PSO) for the defendant

Date of Ruling: 27<sup>th</sup> July 2022

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**SENTENCE**

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**Background**

1. I read the charge to the accused on the 5<sup>th</sup> of July 2022 and he admitted that he committed the offence of simple larceny on the 18<sup>th</sup> of December 2021.

**Agréed facts**

2. He agreed that at around 10am that day, he stole from the complainants' car which was parking in front of a shop at Lungga on Guadalcanal. The complainants are a couple from Philipines who are doing business here in the Solomon Islands.
3. They came to the shop at Lungga to do some shopping. The husband came out of their vehicle and took some money out of his bag. The accused was standing in front of the shop and saw the money inside the bag. He was tempted to steal.
4. The husband then went into the shop. His wife was sitting in the front seat of the vehicle.
5. The accused quickly colluded with another person to steal from the complainants. After the short discussion with the third party, he grabbed the complainant's bag and

### Mitigating Factors:

12. In favour of the accused, I consider his young age. He was 18 years old at the time of the offending therefore in sentencing him I must consider the provisions of the Juvenile Offender's Act. I must not treat him as an adult offender.
13. I consider that he pleaded guilty to the charge. He has no previous convictions. In my view, a young offender, with a clean criminal history who admits that he has committed a wrong indicates a higher potential of rehabilitation. In sentencing offenders like the current one, the courts must give the opportunity for rehabilitation and for change. There must always be hope that people can actually change to become better persons.
14. I have considered counsel None's submissions on the point that the defendant did not break into the car and that there was no use of weapon or force or threats in any way to commit the offence. Mr. None argued that the opportunity to steal has presented itself and that the complainant had made it very easy for the accused to commit the offence. In his submission Mr. None argued that the complainant must also be partly blamed for the incident. He argued that the complainant had carelessly opened his bag containing substantial amounts of money in public. Mr. None said that the complainants were also careless by not locking the doors to their car.
15. I consider that there was no forced entry and there was no use of weapon or threats. There was really no need to break into the car because it was open. I also agree that given the accused's personal circumstances and background, the opportunity to steal at the point in time, must have been very tempting. I however cannot agree with counsel that the complainant is to be partly blamed. If I was to agree with Mr. None then it means that there is justification for stealing. Stealing is simply wrong and must be condemned. All people in any given situation and circumstance, must work to earn an honest living. I agree with the remarks made by my brother Principal Magistrate Mr. Aulanga in the case of *Regina v Luimalefo*, in which he said that "Those who steal are lazy people who prey on the efforts and sweats of others to get quick or fast money through illegal ways".<sup>1</sup>
16. I consider that the accused has been remanded in custody since the 21<sup>st</sup> of December 2021. This means that he has spent 7 months in custody.

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<sup>1</sup> *Regina v Luimalefo* [2017] SBMC 46; Criminal Case 958 of 2017 (26 September 2017)

**Appropriate Sentence**

22. In my view the appropriate sentence to impose here is 1 year imprisonment. This must include the time spent in custody.

**ORDERS:**

23. The orders of the court are as follows:
- a) The Accused is convicted on one count of simple larceny contrary to section 261(1) of the Penal Code;
  - b) The Accused is sentenced to 1 year imprisonment;
  - c) Time spent in custody is included.
24. Right to appeal within 14 days.

Dated this 27<sup>th</sup> Day of July 2022



Ms. Fatimah Me'ere Taeburi  
Principal Magistrate