

**In the Central Magistrate's Court
Of Solomon Islands**

Criminal Case No:

302 of 2022



REGINA

V

JUNIOR DAOGA

Date of Hearing: 23rd November 2022

Date of Ruling: 8th December 2022

Mr. Maelanga for the Crown

Ms. Kukura for the accused

SENTENCE

PM Taeburi,

1. The defendant Junior DAOGA pleaded guilty to one count of intimidation contrary to section 231(1) Penal Code.
2. The facts in the case are that the accused went and asked the complainant to repay monies that he (complainant) had owed from the accused. The complainant said that he will repay the monies. The accused left. A stone landed on the complainant's house. The complainant went outside to see what was going on and realised that it was the accused who had thrown stones at the house.
3. One of the stones hit the complainant on the leg. Another stone almost hit a baby living at the complainant's house. The complainant felt fear.
4. I find that the elements to the offence of intimidation are satisfied. I therefore enter conviction against the accused.
5. I find the following aggravating factors;
 - a) Firstly that an innocent child was almost injured because of the convicts intimidating acts.
 - b) Secondly that he used stones to threaten the complainant. Serious injuries could have been caused.

6. I take into account the following mitigating factors;
- a) He pleaded guilty. As stated in many cases authorities, a guilty plea would normally attract a reduction in the sentence that should have been imposed otherwise. (*See Gereaa v Regina*).¹ I give the due credit to this convict.
 - b) I consider that he might have been provoked to a certain extent due to the fact that the complainant was unable to pay up his debt. The convict however must learn that there are other ways of resolving matters of this kind. Resorting to violence is not the solution.
 - c) I consider his age and other personal circumstances.
7. This convict is not a first time offender. He has previous convictions. He has been convicted and sentenced in 2017 for one count of common assault and two counts of wilful and unlawful damage. He was convicted and sentenced again in March of 2021 for unlawful wounding and assault causing actual bodily harm. He was again convicted in April of 2021 for unlawful wounding.
8. It seems that this convict has a tendency of resorting to violence and aggression. His previous records shows his behaviour and character.
9. I consider the remarks made by the Court in the case of *R v Henry Su'umania* and repeated in the case of *Regina v Mana*. It was said,
- When sentencing persistent offenders the court must make protection of the public the principal consideration in determining the length of sentence.*
- It is well settled however that even in such cases the sentence must be still appropriate to the offence and the court must be careful not to sentence the accused for his previous conviction Thus whilst previous good character may reduce a sentence, previous bad character cannot increase it beyond the proper term but the court can and should consider previous convictions in assessing the character of the man before it and the likelihood of his changing his ways.²*
10. In this case, I must say that there is indeed a need for specific deterrence. The sentence imposed here must be able to teach this convict that it is wrong to intimidate or assault or to cause injury to another person or to his/her properties. The same message must also be made clear to other like-minded offenders in the society.
11. The maximum penalty for intimidation is 3 years imprisonment.³

¹ *Gereaa v Regina* [2005] SBHC 34; HCSI –CRAC 243 of 2004 (4 February 2005)

² *Regina v Mana* [2006] SBHC.145; HCSI-CRC 100 of 2003 (21 March 2006) and *Regina v Su'smania* (Unreported HCSI-CRC 00287)

³ Section 231(1) Penal Code [Cap 26]

12. After considering all circumstances in the case, the court orders as follows;

13. ORDERS;

- i. **Junior Daogo is convicted on one count of intimidation contrary to section 231(1) of the Penal Code.**
- ii. **He is sentenced to 6 months imprisonment.**

14. Right to appeal within 14 days.

Dated this 8th Day of December 2022



Principal Magistrate Ms. Fatimah Me ere Taeburi