

c) **Count 3: Resisting Arrest and escape (Section 125 PC)**

Resisting Arrest and Escape:

Any person who, on being arrested for any offence, violently resists any police officer arresting him, or being in lawful custody, escapes from such custody, shall be guilty of a misdemeanour³.

- 3) Your actions are uncalled for and has been the sole reason as to why certain parts of Honiara are deemed now as dangerous.
- 4) You have no respect for others with reasons owing to lack of discipline. I must say your actions truly mirrors that of an adult or in other words, you are fully aware of what you were doing, including the repercussions you will face once caught.
- 5) You seem to blame your actions on the fact that your father has long died and your mother has now remarried.
- 6) There are other children who are also faced with similar circumstances, but have chosen to make better choices as they do not want to spend their whole lives being confined to the struggles and
- 7) I note from the agreed facts that following your escape, you were caught by your own relatives who assisted in returning you into lawful custody. This demonstrates that you have relatives who do not want to see you graduate into a first-class criminal as your actions not only tarnish your reputation but also that of your tribesmen.
- 8) On two of the three occasions giving rise to the charge at hand, you were at the wrong place doing the wrong thing.
- 9) The first incident places you along the Skyline road, filling up potholes and asking vehicles that pass by for money. First and foremost, your actions were outrightly illegal, as you were not legally contracted to carry out road construction at that particular location. Let alone, why would you be asking people for money as credit for something that no one told you to do?
- 10) I note from the agreed facts that the Complainant implied in count 1 was making his way back from the skyline memorial when you carried out this very primitive and arrogant act on him.
- 11) The skyline area houses one of the landmark historical sites that people from all over the world come to visit. The uncalled behaviour of people with mindset such as yours will paint a bad picture, or has already tainted the good reputation of the tourism industry in this country.
- 12) Stop wasting your time on activities that only label you as a good for nothing, arrogant, lazy and outlaw thug. Such labels bring no pride to your family and the name that you carry.
- 13) Moving on to the second incident, I am told that it occurred at the house of someone whom you are familiar with. Your actions during the time of the offending demonstrates the calculated risks and back-ups taken to achieve your malicious plans.
- 14) The incidents implied in counts one and two occurred one day after the other, hence had it not been for your arrest, there may have been multiple victims.

³ Section 125 of the Penal Code.

- 15) The involvement of people your age in very serious offence is becoming prevalent and it speaks volumes on the need for us parents to instil the right and proper teachings into our children's upbringing. It should also be incumbent on us as parents to properly orchestrate the future of the children we bring into this world, rather than just bearing children to continue our family trees. Constructive discipline starts in our homes and not the other way around.
- 16) While you may have gone through family experiences that you were not prepared for, your circumstances do not give you any right under the sun to commit the offences at hand.
- 17) We are all given the choice to choose between right and wrong.
- 18) In regards to count three, you would still be at large had it not been for the people who caught you.
- 19) While you are seen as a young offender under the Juvenile Offenders Act, your actions are verbatim to that of an adult.
- 20) I have been referred to cases involving similar offences to those at hand, however, an appropriate punishment can only be reached if the court is to consider the facts and circumstances of this case on its own.
- 21) Furthermore, I was also asked to consider section 16 of the Juvenile Offenders Act which provides a wide range of avenue which the court can deal with juvenile or young offenders.
- 22) I have asked you on numerous occasions if your family members have ever visited you since being held in remand, to which you answered no. You also informed me that during the material time you were residing with your older sister and her husband up at Papaho. Given your involvement in the criminal activities that landed you in court, it can be inferred, that your sister has not in any way discharged discipline and control she should render to you.
- 23) Your mother on the other hand has long moved on following the passing of your father. As parents, it is incumbent on us to apply proper and relevant discipline to our child
- 24) I see fit that the contents of paragraph 25 be highlighted as sending you the care of either your mother or your sister would not be deemed effective as they are the ones who have failed to carry out their duties towards you at the first place.
- 25) With the present circumstances, I am of the view, that regardless of whether you are to be imposed with a custodial sentence or whether you are to be sent back to society, you will eventually graduate into being a criminal, since the decision to turn away from wrong doing can only come from you.
- 26) Factors to consider, early guilty plea, first time offender, youthfulness, seriousness of offences, occurrence of incident implied in count 2 occurred at night, lack of respect to others.
- 27) Given the nature of each offending, the need to address the increasing involvement of people your age in such criminal activities becomes one of the primary factors this court should consider. Section 16 of the Juvenile Offenders Act outlines the methods of dealing with children or young persons charged with offences.

28) Hence having weighed the entirety of this matter, I am of the view that the most appropriate punishment is that of a custodial sentence⁴. Such a sentence should reflect the principles of deterrence, rehabilitation, retribution and prevention.

ORDERS

(a) Count 1. Maximum penalty :14 years

18 months- 6 months (Early guilty plea) = 12 Months-1 month(youth)-1 month (first time) =10 months

10 months + 1 month(seriousness)+1 month (lack of respect) = **12 months**

(b) Count 2. Maximum penalty: 14 years

18 months- 6 months (early guilty plea) =12 months-1 month(youth)-1 month (first time) =10 months

10 months +1 month(seriousness)+1 month (lack of respect) + 1 month (night time) = **13 months**

(c) Count 3. Maximum penalty: 2 years

8 months- 2 months (early guilty plea) -1 month(youth)-1 months (first time) =4 months

4 months+ 1 month(seriousness)+1 month (lack of respect for law authorities) = **6 months**

(d) Sentence for each count to be served concurrently = **13 months.**

(e) Since a total of 2 months and 15 days has already been served in custody, the remaining period is suspended for a period of 2 years.

(f) Note that a subsequent offending will warrant the invoking of section 45 (1)(a).

(g) You are to be released at the rising of the court.

Dated this 21st day of August 2025.


THE COURT
Emily Zazariko Vagibule Pakoa (Mrs)
Principal Magistrate



⁴ Section 16 (j) of the Juvenile offenders Act.