

IN THE CENTRAL MAGISTRATES COURT
IN THE SOLOMON ISLANDS



Criminal Case no: 511 of 2024

In the Criminal Jurisdiction

BETWEEN:


REX (~~AKA Nenzii Boy~~)

V

AND:

MATHEW MANEANEA (AKA Nenzii Boy)

Prosecutions: Mr Abel Maelanga (PPD)

Defence: Mr Kevin Maelanga (PSO)

Date of sentencing submissions: 18th of December 2024

Date of sentence: 3rd of January 2025

SENTENCE

1. Mr Mathew Maneanea, you have pleaded guilty to the charge comprising, one (1) count of Intimidation and Molestation, and offence contrary to section 231 (1) of the Penal Code.

Facts

2. The Complainant is related to you as your sister-in-law. She is married to your younger brother.
3. On the 28th of August 2024, at a time between 5:00 pm to 6:00 pm, you had an argument with the Complainant. It was during the material time, that you uttered words to the effect, "iu kakaim siti blo mami and dadi blo iu".
4. As things continued to get tense, you took a brick and uttered to the Complainant, words to the effect, "iu wait lo dea, iu laek bae me sutim you die?"
5. The Complainant was so afraid of you, which led her to reporting what had happened to the Tetera Police Station. You were later arrested and charged.

Sworn statement of Mathew Maneanea

6. A sworn statement was also tendered to explain your side of the story. I have read the contents of the sworn statement and will consider what you have stated.
7. For purposes of this sentence, I will highlight what was statement in the sworn statement. According to this sworn statement, you were informed by two of the Complainant's children, about

the very degrading and profane words uttered to you by their brother¹. The child in question had in fact uttered very disrespectful words to his two siblings and one of their cousins and yourself. The words were, “*utufala go fuckem ass blo uncle nenzii boy²*”, “*u go fuckem ass blo uncle nenzii boy³*.” These words were not only uttered one time at one person, but were uttered at three different people, all of whom are under the age of 12 years.

8. It was when you tried to speak to the Complainant about the behaviour of her son, that the dispute arose. The Complainant, as put by you, did not want to take actions into her son’s disrespectful behaviour⁴.

Conviction/Acquit

9. I am satisfied that the guilty plea you have entered, as supported by the agreed facts, is unequivocal. I therefore enter conviction against you.

Matters of aggravation

10. I am of the view, that the aggravating factor in this matter, is the offending in itself. You threatened the Complainant with abusive words, and also threatened to take her life. I also note that you picked up a piece of brick which no doubt cause fear to the Complainant.

Matters of mitigation

11. The factors I deem as mitigating in nature, are, the early guilty plea you entered, your faithfulness and cooperation in attending to all your court hearings, which shows that you are willing to face the consequences of your wrongdoing. I also note that you are a first-time offender.
12. The sworn statement tendered on your behalf, tells me about the circumstances leading to the offending. From this sworn statement, I gathered that you were provoked into doing what you did.

Case Authorities

13. Counsels have taken the effort to provide me with cases they believe would assist in reaching a fair and proportionate sentence. I am grateful for the courtesy shown.

Comparative sentencing

14. In terms of comparative sentencing, previous courts have advocated on both the need to ensure consistency in imposing sentences, and the need for cases to be dealt with upon assessment of their own set of facts and circumstances.
15. In **Joel Likilia & Allen Kokolobu v R [1988 – 89] SILR 148** Ward CJ commented at page 149: *Sentencing is not a process that follows exact mathematical rules. Circumstances and people vary and it is undesirable to consider such comparisons as more than a very imprecise guide⁵.*
16. In **Sau v R [1982] SILR 65⁶** Daly CJ commented at page 69: *I must add one further observation on the sentencing process and on appeals against sentence. There is an increasing practice of reference being made to specific previous cases in court. This was done by the learned magistrate in this case and the dissimilarities give counsel a ready-made*

¹ Sworn statement of Mathew Maneanea tendered on the 18th of December 2024.

² Above n 1.

³ Above n 1.

⁴ Above n 1.

⁵ [1988 – 89] SILR 148

⁶ [1982] SILR 65

ground for argument which they understandably take. Sentencing is not an exact mathematical process; if it were it could be done by a computer. The human element both in the person before the court and the sentencer remain a vital part of the process. Previous sentences demonstrate principles or parameters of sentence; but they should not be used as binding precedents to reach a sentence in a particular case. All the judiciary have access to each other's sentences and we must rely upon the good sense and experience of the judiciary to reach sentences which reflect not only their own views but also the views of the community.

17. In **R v Ben Tugale, Brown Beu, Nelson Oma, James Sala, Loius Lipa, Charles Meaio & John Teti (Unrep. Criminal Case No. 12 of 1997)**⁷ Lungole – Awich J commented at page 21:
Punishment in one case usually cannot be matched exactly with punishment in another. Circumstances usually differ even if only in details. Public view about how serious an offence is regarded also changes. Prevalence or otherwise of an offence during particular period also counts.

Sentencing remarks

18. The offending at hand, arose from a domestic dispute. I say this as you are related to the Complainant, as her brother-in-law. The definition under section 6 of the Family Protection Act 2014 captures your relationship to the Complainant as a domestic relationship.
19. There have been many instances, where an offending is committed within the domestic relationship. Some have ended in brutal injuries, and some have ended in death.
20. You are charged under the Penal Code, but I believe, it is important that I highlight the existence of the Family Protection Act. This is an Act passed by Parliament to safeguard the interests of all families. It aims to ensure that our homes are free of any form of violence, as they should be seen as a safe haven for all family members.
21. It is sad to see the level of disrespect coming from very young members within the family towards older family members, which triggers the urgent need for proper and lawful teachings to be reconsidered.
22. I note your actions at the material time came out at the spur of the moment, and you should be thankful things did not get out of hand. There is and will always be a proper time and place to address such issues.
23. I know that the experience in coming to court, will be one that you will not forget. You should note from this experience, that violence is not an option in resolving family issues. As the older brother to the Complainant's husband, you are in a far better position to overlook the actions and issues taken and faced by your family members.
24. This is also a good lesson for those of us who have children, to instil attributes of respect and fear into our children.
25. This morning, you are strongly warned against the use of violence to address domestic issues, as there is always a way and time to deal with such matters.
26. The sentence I will impose on you this morning, will carry sentiments of both specific and general deterrence, rehabilitation, retribution and prevention.
27. I acknowledge that the maximum penalty for this offending, is one of 3 years imprisonment. This is due to the collective views shared by our law-makers on how serious they deem this kind of offending to be.
28. I also acknowledge, that imposing the maximum penalty, is an option best left for circumstances in which the manner of offending is way too serious.

⁷ (Unrep. Criminal Case No. 12 of 1997)

29. From the facts before me, I find that the manner of offending is below the midrange of the seriousness involved.
30. In terms of the process of sentencing, I wish to highlight, that it does not follow a set of calculations or formulas. It is one that requires the assessor, to consider the bits and pieces of the details presented, and thereafter, make a decision on the particular type of sentence, that will best address the nature of the offending, and the public interest as a whole. In the case of **R v Ball**, the court highlighted the following:
"In deciding the appropriate sentence, a Court should always be guided by certain considerations. The first and foremost is the public interest. The criminal law is publicly enforced, not only with the object of punishing crime, but also in the hope of preventing it. A proper sentence, passed in public, serves the public interest in two ways. It may deter others who might be tempted to try crime as seeming to offer easy money on the supposition, that if the offender is caught and brought to justice, the punishment will be negligible. Such a sentence may also deter the particular criminal from committing a crime again, or induce him to turn from a criminal to an honest life. The public interest is indeed served, and best served, if the offender is induced to turn from criminal ways to honest living (emphasis mine)⁸.
31. With the circumstances presented, I am of the view that while the offending attracts a custodial sentence, I also have the discretion to impose a sentence, which in my view, is both fair, efficient and responsive to the offender, public interest and need to respect the law in question.
32. I therefore hold the view, that the most appropriate sentence to impose, is that of a fine. I will consider a range between \$1,000.00 to \$2,500.00, from this range, I pitch my starting point at the amount of \$1,000.00. I deduct the amount of \$300.00 (1/3) to reflect the guilty plea taken, I further deduct \$300.00 to reflect the remaining mitigating factors. I add the amount of \$400 to reflect the matters of aggravation involved, resulting in \$800.00.
33. Having said this, and having made the calculations above, I now order as follows:

Orders:

- (i) **Mr Mathew Maeneanea, for the offence of Intimidation and Molestation, contrary to section 231 (1) of the Penal Code, you are sentence to a fine of \$800.00.**
- (ii) **The Amount of \$800.00 is payable by the 13th of January 2025 at 3:00 pm.**
- (iii) **In default of this amount, you shall serve a period of imprisonment for 40 days.**
- (iv) **Further to this, I invoke section 18 (2) of the Family Protection Act, where a Protection Order is imposed against you based on the conditions that will be outlined therein.**

Dated this 3rd day of January 2025.


THE COURT
Emily Z Vagibule Pakoa (Mrs)
Principal Magistrate


⁸ (1951) 35 CrAppR 164