

COPY

IN THE SOLOMON ISLANDS MAGISTRATES' COURT
At Honiara

Criminal Case no. 1707/07

REGINA

v.

PETER SHANEL

Ms M Chalmers for the Crown
Wilson H. Rano for the Defendant

SENTENCE

1- Mr Shanel you have been found guilty, after trial, of two offences; the first, assault occasioning actual bodily harm, the second, being in possession of a weapon in a restricted area without reasonable excuse.

2- The first offence attracts a maximum penalty of five years imprisonment plus a fine of \$1000. The maximum penalty for the second offence is two years imprisonment plus a fine of \$1000.

3- In deciding what sentence I should impose I have taken all the matters advanced on your behalf by Mr Rano in his excellent written submissions for which I am most grateful. In particular I take into account your family background and your record of public service. Although you are not legally a person of good character, I regard your previous conviction in 1983 as stale and the conviction recorded against you in 2008 as irrelevant. I also take into account to your credit the fact that you have taken part in a traditional reconciliation with the victim.

4- There are however a number of aggravating factors. As will be clear from my judgment dated 12 August 2008 I am satisfied that, being annoyed and provoked by the attack on your wife, you decided to retaliate. You deliberately armed yourself with a dangerous weapon, a bush knife, and alighted from your vehicle with the intention of waiting for a suitable moment to carry out your plan. When you adjudged that moment to have arrived you struck. You inflicted a serious and particularly nasty injury on your victim which will leave him scarred for life.

4- Mr Rano urges me to suspend any sentence of imprisonment which I impose upon you; unfortunately, however, I take the view that section 44(2) of the Penal Code prevents me taking such a course. This has the consequence that short of imposing a term of imprisonment the only other remedy realistically available is a fine of \$1000: such a penalty would in my view be wholly inappropriate.

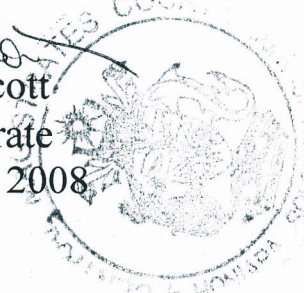
5-Taking all these factors into account and bearing in mind especially, on the one hand the provocation to which you were subjected, and on the other, the seriousness of the assault which you committed, I pass the following sentences:

Count one- assault occasioning actual bodily harm: 9 months imprisonment;

Count two- possession of a weapon in a restricted place without reasonable excuse: 2 months imprisonment.

The two sentences will be served concurrently, resulting in a total sentence of 9 months immediate imprisonment.

M.D.Scott
Magistrate
26 August 2008

The seal of the Magistrate's Office, London, is visible in the bottom right corner. It features a circular design with a central emblem, surrounded by the text "MAGISTRATE'S OFFICE" and "LONDON".