

IN THE SUPREME COURT OF TONGA
CRIMINAL JURISDICTION
NUKU'ALOFA REGISTRY

CR. 371 of 2007

REX

-v-

'AISEA LAUNGA

BEFORE THE HON. JUSTICE ANDREW

Counsel: Ms Mafi for the Crown and
Mr Tu'utafaiva for the Accused.

Date of judgment: 6th March, 2008.

Judgment

The accused has pleaded guilty to one count of housebreaking and one count of theft.

The particulars of these offences are as follows:

Count 1 - on or about the 17th November 2007 at NUKU'ALOFA did enter as a trespasser the dwelling house of YIHUA WANG and committed theft therein.

Count 2 - on or about 17th November 2007 at NUKU'ALOFA did honestly take without colour of right from YIHUA WANG a black bag containing \$2,030. and U.S.\$220, NZ\$10. 7 ANZ cheques to the value of

\$3,192.80, 3 Westpac cheques to the value of \$6,566.30, the total value of \$12,109.10 with intent to deprive YIHUA WANG permanently of such property and to convert them for your own use.

An undisputed summary of facts is as follows:

"On Saturday, 17th November 2007 at about 2pm, the 15 year old Accused person was in Nuku'alofa with his friend, 17 year old Peni 'Inia. They stood outside Yihua Wang shop and smoked. Just then, the Accused noticed the Chinese woman at the shop watching TV whilst her black bag was placed behind her. The Accused told his friend to go in and get the bag but his friend refused.

The Accused then walked round the back of the shop and entered through the back door whilst was open. He then crept up and grabbed the bag and ran off towards the market, and then to his house at Sopu.

The accused buried the cash in the ground and hid the bag inside his house.

The Chinese woman immediately notified the police who searched the house of the accused and recovered all the goods in the same evening.

The accused has not previously appeared."

It is reported that this is the accused's first offence although there is a report that he admitted to having committed the same kind of offence when he was 14 for which he was put on probation for 18 months in the Magistrates Court. That however has not been confirmed or proved and in the circumstances I treat him as a young 1st offender.

Fortunately for the accused everything that was stolen has been recovered. An apology has been made to the complainant and has been accepted.

The accused is the 2nd of 7 children. He appears to be the black sheep in his family and seems to be easily led by others. He dropped out of school while in Form 2 and is reported to be a low achiever. He receives some income from fishing.

The incident seems to have been a occurred on the spur of the moment when he saw the bag in the shop.

I take into account his plea of guilty, which is deserving of a reduction in sentence.

I act in the principle that as far as possible a young juvenile first offender should not be imprisoned. But the offence is a serious one. In the circumstances I propose to pass a sentence but suspend that sentence upon condition that he be of good behaviour and that he undertake and complete 100 hours of community service.

Would you stand up please.

You are sentenced to imprisonment for 12 months. The whole of that sentence is suspended for a period of 2 years upon condition that you be of good behaviour and that you undertake or complete 100 hours of community service.

NUKU'ALOFA: 6 MARCH 2008.



Andrew J

JUDGE