

REX

-v-

ANDREW MOTULIKI

BEFORE THE HON. JUSTICE SHUSTER

HAVING HEARD - Crown Counsel, Defence Counsel, and from the defendant in person.

The defendant appears for sentencing - having plead guilty on arraignment on the 07th March 2011; to a single count indictment, alleging the offence of robbery

On arraignment on the 7th March 2011 the defendant was told he would be given full credit for his early guilty pleas and, the case was adjourned for the preparation of a PSR and, the defendant was remanded on bail

I consider the fact that the defendant assaulted a male whose premises he broke into, as a particularly serious offence which warrants a custodial sentence.

On the 18th April 2011 the defendant appeared for sentencing with his co-accused. Having considered all the facts of the case including the contents of the PSR and considering the fact that the defendant pleaded guilty - at the first available opportunity and, the fact the defendant fully co-operated with the police and with this court - he is sentenced as follows:-

Count 1 – three years imprisonment

I have then gone on, to consider whether I can suspend the three year sentence which I have just passed either in whole or in part and, I have decided to suspend the whole of the sentence for a period of three years from today's date.


This suspension is conditional upon the defendant keeping the peace and being of good behaviour and on condition that he commits no further offences in the next three years.

The defendant is ordered to perform 120 hours Community service cleaning up the beaches

He is to pay \$150.00 by way of compensation to the victim in this case by paying the sum of \$20 pa'anga each Friday by 12.00 first payment commencing 29th April 2011 he may pay more but he may not pay less in default 3 months in prison

This is to be a deterrent sentence, applying the principles enunciated in Crown -v- Cunningham. A copy of this order is to be served on the Community Service Organizer.

DATED 18th APRIL 2011


JUDGE