

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

CR 141 OF 2011

REX

-v-

TANGATA 'O TONGA LIKU

BEFORE THE HON. JUSTICE SHUSTER

HAVING HEARD - Crown Counsel, Mr Tu'utafavia and from the defendant in person.

The defendant appears for sentencing - having pleaded guilty on arraignment on the 22nd July 2011; to an indictment, alleging two counts alleging an offence of HSB and of Unlawful entry into a Building at Night

On arraignment on 22nd July 2011 the defendant was told he would be given credit for his early guilty plea and, the case was adjourned for the preparation of a PSR and, the defendant was remanded in custody as he was in breach of a court order.

It should be noted that the defendant was NOT a first time offender and in Breach of a Suspended Sentence.

On 05th August 2011 the defendant appeared from custody for sentencing..

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 – and having heard from the defendant in person and noting that he is NOT first time offender and has served the equivalent of a three month sentence whilst on remand–

He is sentenced as follows:-

Count 1 – The defendant is sentenced to 2 years in prison - suspended for 3 years conditional upon him keeping the peace and being of good behaviour and committing no further offending during the period of the suspension of the sentence of imprisonment he is also fined \$100.00TOP

Count 2 – The defendant is ordered to complete 120 hours Community Service cleaning up the beach from the Palace to the Dateline Hotel and he is ordered to enroll in the Salvation Army Drugs and complete the Drugs and Alcohol Awareness Course and also the Life Skills Course

He was given a formal 14 days to pay his \$100.00 TOP Fine i/d one month

I take no action on the breach of the MC Suspended Sentence because it for a different type of offence and the defendant has now served the equivalent of three months on remand. The rest is up to him.

I certify that I have warned the defendant about committing any further offences – of failing to complete 120 hours of CSO or completing the SA courses and failing to pay his fine within 14 days.

This is to be a deterrent sentence, applying the principles enunciated in **Crown -v- Cunningham**

N>B> A copy of this order is to be served on the Probation Service - **Forthwith.**

DATED 05th AUGUST 2011


JUDGE