

CRIMINAL JURISDICTION

NUKU'ALOFA REGISTRY

REX

-V-

SIONE POU'UHILA

BEFORE THE HON. JUSTICE SHUSTER

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

The defendant appears for sentencing - having plead guilty on first arraignment on 16th September 2011; to an indictment, alleging two counts of [1] forgery and [2] theft committed in June of this year.

On that date the facts were opened and agreed, and the case was adjourned for the preparation of a PSR and, the defendant was remanded on bail for sentencing to 14th October 2011 at 14.00.

It was a condition of the defendant's bail that he co-operate in the making of a PSR – it should be noted that the defendant is NOT a first time offender in that he has two prior convictions recorded against him.

On 14th October 2011 the defendant appeared for sentencing. Having considered all the facts of the case, including the contents of the PSR and considering the fact that the defendant pleaded NOT guilty and having heard from the defendant in person and noting the defendant has a previous conviction for dishonesty

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| The defendant is sentenced as follows:- |
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Count 1 - The defendant is sentenced to **TWO YEARS** in prison – but that sentence of imprisonment is suspended for 3 years conditional upon the defendant- keeping the peace and being of good behaviour and committing

no further offending during the period of the suspension of the sentence of imprisonment – which starts from today's date.

Count 2 - The defendant is sentenced to **TWO YEARS** in prison – but that sentence of imprisonment is suspended for 3 years conditional upon the defendant- keeping the peace and being of good behaviour and committing no further offending during the period of the suspension of the sentence of imprisonment – which starts from today's date.

The defendant is ordered to pay \$500.00 compensation for the money he stole from the complainant's bank account **{LEMOTO FETU'U}** in count two of the indictment. The defendant was unable to pay the \$500.00 compensation immediately, he is ordered to pay the sum at the rate of \$50.00 each week.

Each payment of \$50.00 is to be made to the Supreme Court Office by 12.00 on Friday of each week. The first payment is due by 12.00 on Friday 21st October 2011- in default of payment three months in prison. The defendant can pay more than \$50.00 each week, but he cannot pay less than \$50.00 each week and payments must be regular until the \$500.00 is paid in full.

The defendant will perform 120 hours of Community Service cleaning up the sea shore and the grass edges on public road as ordered by the Probation Service. I certify I have warned the defendant about committing any further offences during the period of his suspended sentence – and of the consequences of failing to pay his compensation or perform his CSO as ordered by this Court. 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 defendant as a fine notice

DATED 14th October 2011

J U D G E