

Section
Justice Dept.



JUSTICE DEPARTMENT,
NUKU'ALOFA, TONGA.

CRIMINAL APPEAL NO:18/88

B E T W E E N :

SIONE PAHULU
(Fua'amotu)

VS.

POLICE DEPARTMENT
(Nuku'alofa)

Sione Pahulu pleaded guilty to driving whilst under the influence of drink. Having drunk too much, he fell asleep and his car swerved off the road and damaged a stone wall. Fortunately nobody was injured. He was sentenced to 6 months imprisonment. He has no previous convictions. He reported the accident to the Police himself and has repaired the damaged wall to the owner's satisfaction.

Drunken drivers must expect to go to prison. It is a very common offence, and drunkenness accounts for nearly all the injury and death on the roads with which the courts have to deal.

I have said before that deterrent sentences are necessary for this type of offence. The minimum prison term should normally be 6 months.

In this case the learned Magistrate imposed a perfectly proper sentence. But insufficient credit may have been given for the fact that he reported to the Police himself and has repaired the damage done. I therefore allow the appeal to the extent that the term of imprisonment is reduced to 4 months.



G. W. Martin

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CHIEF JUSTICE, SUPREME COURT
T O N G A.

Rec. 15/04/88
Alotau

Execution Section
via Dept.



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