

BETWEEN: R E X - Prosecution

AND: SEMISI VAIANGINA - Accused

BEFORE THE HON. JUSTICE CATO

Counsel: Ms. T. Kafa for the Prosecution

Accused appeared in person

JUDGMENT AND ORDER OF JUSTICE CATO

[1] Mr Vaiangina appears following the execution of a warrant for his arrest for non - compliance with an order to pay a fine of \$1000.00 paanga in default 8 months imprisonment, following his sentence by Schuster J on five counts of indecency with his step daughter on the on the 10<sup>th</sup> February 2012. He was also placed on probation for a period of three years and to undertake counselling with the Women's crisis service within 6 months of his sentencing date. At his request, Schuster J varied his order to allow Mr Vaiangina to pay off the fine at \$20.00 per week.

[2] Mr Vaiangina has not paid any part of the fine and nor has he attended counselling. He has no explanation to my mind that is satisfactory for non - compliance with either order. He has simply acted in wilful disregard of the court's sentencing orders for several years. He has asked for further time to pay saying he is in employment and is the breadwinner. I am not prepared to grant him any further indulgence, in these circumstances.

[3] I have considered the sentencing notes, his probation report, and the facts upon which his guilty pleas were based. The accused was in employment at the time of his sentencing. He was living in a defacto relationship with three young children and it seems his step daughter. He pleaded guilty and was a first offender. The offending, however, was serious involving 5 offences on his step daughter at different times

involving fondling her breast and kissing. She was at school at the time. Schuster J passed a merciful sentence on the accused taking into account his guilty plea and no doubt that he was a first offender.

- [4] I am satisfied that the period of 8 months imprisonment in default of payment of fines was in order and I enforce the Court's order. He is sentenced to imprisonment for eight months commencing on today's date, and backdated to reflect any period of remand in custody pursuant to service of the warrant of arrest

NUKU'ALOFA: 20 November 2018



A handwritten signature in blue ink, appearing to read "Cato", is written over the seal.

C. B. CATO

JUDGE