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IN THE SUPREME COURT OF TONGA

CR 41of 2020

CRIMINAL JURISDICTION

NUKU'ALOFA REGISTRY

R E X

-v-

MAKA'ONE ANGILAU

BEFORE HON. JUSTICE NIU

HAVING HEARD the accused plead guilty on 26 March 2020 to one count of serious causing of bodily harm to one, Tu'ifua Angilau, with a machete, on his head and other parts of his body at Folaha on 12 September 2019, contrary to S.107 (1), (2) (c) and (4) of the Criminal Offences Act,

AND HAVING CONSIDERED an initial report by the authorised psychiatrist, Dr. Mapa H. Puloka, dated 1 May 2020, that the accused has been maintained on antipsychotic medication since 8 October 2019, after being diagnosed and established that he was suffering from mental and behavioral disorder, but that he was able to enter a plea, as he has done, to the charge in Court,

AND HAVING CONSIDERED the full report of Dr. Puloka dated 18 May 2020, after he had had further diagnosis of the accused since his initial report, in which he has found that the accused "is still vulnerable to repeat violent behavior towards others, and that he is currently on antipsychotic-medication and that the psychiatric service will continue to follow up the accused for a long time", and "that the accused may develop schizophrenia in the future, and that he may already be in the

Prodromal Phase of Schizophrenia”, and that he recommended that the accused be on long-term detention in the Hu’atolitoli Prison hospital where he currently is kept,

AND HAVING RECEIVED on 26 May 2020 a certificate from Dr. Puloka in accordance with section 68 of the Mental Health Act 2001 that states that the accused, Maka’one Angilau, satisfies the criteria for involuntary admission to a mental health facility on the grounds of mental illness,

AND BEING SATISFIED that a treatment order be made instead of imposing a sentence on the accused in light of his said condition and circumstances,

IT IS ORDERED:

1. This Court hereby makes a treatment order in respect of the accused, Maka’one Angilau, instead of imposing a sentence upon him for the offence to which he has pleaded guilty and of which he has been convicted, in pursuance of the provisions of sections 67 and 68 of the Mental Health Act 2001.
2. Said accused shall forthwith be taken by the prison officer of the Hu’atolitoli Prison to the hospital at the Hu’atolitoli Prison where the accused shall continue to be under the care and treatment of the Psychiatric Department of Ministry of Health, as provided in the Mental Health Act 2001.

NUKU’ALOFA: 2 June 2020.



A handwritten signature in blue ink, appearing to be "Niu J", written over the judge's name.

Niu J
JUDGE