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

CR 255 of 2020

R E X

-v-

Woody KALEKALE

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SENTENCING REMARKS

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**BEFORE:** HON. JUSTICE COOPER

**Counsel:** ✓ Ms. 'E. Lui for the Prosecution

Mr. Kalekale was unrepresented

**Date of sentence:** 29<sup>th</sup> April 2021

1. Mr. Wood Kalekale is 52 years old and was arrested at his home address on 19<sup>th</sup> March 2020 after the police attended, without a warrant but acting upon information that necessitated their urgently attending the address as they had information that there was Methamphetamine there.
2. Two others were found at the address along with this defendant at approximately 0300 hrs that morning.
3. A packet of cannabis was found at the address along with 3 packets of Methamphetamine that had been thrown out the window, but were seized by the police later.
4. The Methamphetamine weighed 0.16 g, the cannabis 0.17 g.
5. In considering the sentence my starting point is the case of *Zhang v R* [2019] NZCA 507. This would fall under band one where up to 5 g of Methamphetamine attracts a sentence range of Community Order up to 4 years' imprisonment.

04 MAY 2021

HC 9:55am

6. I have also considered *R v Maile* AC 23/2018, the defendant was in possession of 0.52 g Methamphetamine, for an early guilty plea his sentence on appeal was 9 months fully suspended with conditions.
7. Bearing in mind the weight of drugs found in this case I am minded to follow the tariff in *R v Maile*. I can discount that sentence for a guilty plea, but because that was at the day of trial I can only discount by 10%, effectively I will reduce the sentence by one month.
8. That give a sentence of 8 months, that I shall suspend for the period of 2 years.
9. For the cannabis 4 month suspended for 2 years to run concurrent.
10. If during that period of suspension there is committed any offence punishable by imprisonment, Mr. Kalekale will be sentenced for the new offence as well as this one and will stand to go to prison for both.
11. I also impose 60 hours community service to be carried out under the instruction of his probation officer. Also attend the Drugs Rehabilitation Course at Salvation Army as directed.
12. All drugs and paraphernalia are subject to forfeiture and destruction order.
13. Any breach of that part of the sentence or any failure to comply with probation or carry out all the hours of the community service and he will be re-sentenced. I reserve the case to myself.

NUKU'ALOFA  
29 April 2021

