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

CR 109 & 110 of 2021

REX

-v-

Sofia Tasa TU'IFUA
'Isileli TU'IFUA

SENTENCING REMARKS

BEFORE : THE HONOURABLE COOPER J

Counsel : Mr. 'I. Finau for the Prosecution

Defendants in person

Date of sentencing : 1st September 2021

1. Both defendants face a joint indictment of three counts. Count 1 possession 0.06 g methamphetamine, Count 2 possession 0.03 g methamphetamine and Count 3 possession 0.58 g cannabis.
2. Their arrest and the recovery of these drugs came about on 25th September 2020 when police acted on information and attended the defendants' address.
3. On their arrival, from outside the property, they saw the hand of a lady discard the packet of what later proved to be amphetamine out of the window. They raided the property and recovered a further packet of amphetamine, the cannabis as set out in the indictment and found there were a man and woman present so it had to be Mrs Tu'ifua who had tried to dispose of the methamphetamine.
4. The defendants pleaded guilty.
5. A pre sentence report has been prepared.

6. That report sets out the youth of these defendants, their remorse and how they have moved from that area, that environment and broken completely with that criminal behaviour.
7. They have both turned their lives around and the Town Officer speaks highly of those efforts and their will to change and turn a new page.
8. Both were previous good character. They have three young children and despite this lapse, albeit a serious one, they have carved an honest life for themselves in the intervening months.

Comparable cases

9. *R v Afu* CR 177/2020 Lord Chief Justice Whitten QC; for possession 0.11 g methamphetamine the court imposed a sentence of 6 months' imprisonment fully suspended with conditions.
10. *R v Takau* CR 270/2020, 0.08 g methamphetamine possession, Lord Chief Justice Whitten QC imposed a sentence of 4 months' imprisonment fully suspended for with conditions.
11. Following that guidance I conclude the right sentence is one of 6 months' imprisonment, for each defendant.
12. That sentence will be suspended for two years on the following conditions:
 - a) They each report to probation.
 - b) Each complete a drugs awareness and life skills course.
 - c) Neither commits any imprisonable offence.
 - d) Both complete 80 hours voluntary community work.
13. The money will be forfeited, the drugs and paraphernalia forfeited and destroyed.

NUKU'ALOFA
1 September 2021



N. J. Cooper
J U D G E