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IN THE SUPREME COURT OF TONGA
CRIMINAL JURISDICTION
NELAFU REGISTRY

CR 22 of 2020

REX

-v-

Halatu'u PALEI

SENTENCING REMARKS

BEFORE : THE HONOURABLE COOPER J
Counsel : Mr. J. Fifita for the Prosecution
Mr. S. T. Taufateau for the defendant
Date of : 15th October 2021

1. The defendant pleaded guilty to the unlawful importation of restricted goods contrary to section 95(1) Customs and Excise Management Act , namely .22 rifle¹ and 1080 rounds of .22 ammunition.
2. These items he imported on 26th September 2019. The Customs Officers intercepted and discovered the items which had been sent in a crate from the United States of America.
3. Mr. Palei did not have an import licence for either.
4. Accordingly, he was arrested, and when he was he cooperated with the police and he admitted his offending.
5. He was arraigned on 4th October 2021 when his plea was entered and the case was adjourned for reports.

¹ Serial number EOE4095152

6. The maximin penalty for an offence under this section is 10 years' imprisonment, a fine of \$100,00 or both.

Comparable sentences

7. *R v Fanguna*; CR 229/2020. The defendant imported a .22 rifle and had no licence to do so. He pleaded guilty. He was fined \$500 with a month imprisonment in default.
8. *R v Latu*; CR 89-90/2020. The defendant imported 425 rounds of .22 ammunition without having the required licence to do so. He was convicted after trial and fined \$300.
9. *R v Taufu*; CR 143/2020. The defendant imported 2 air rifles and 5345 pellets without the required licence. He pleaded guilty and was fined \$500 and \$200 respectively.
10. I have read very carefully his pre sentence report and considered the references placed before me.
11. The report makes the point that Mr. Palei is committed to his family and his community and is highly regarded for the work he does for his church.
12. I judge that he made a silly mistake in committing this offence, his first. He has admitted his wrong doing and plainly deeply regrets it.
13. He and his family are of limited means.
14. For these offences he will need to pay a fine of \$300 for count 1 and \$150 for count 2.
15. Taking into account his income and from that he must pay for young children at school and other dependants I will set 6 months for the fine to be paid.
16. A default period of one month in prison is to be set.
17. Forfeiture of the gun and ammunition.



NEIAFU

15 October 2021

N. J. Cooper

J U D G E