

CRIMINAL JURISDICTION

NUKU'ALOFA REGISTRY

REX

-V-

FALAKIKO TONATA

BEFORE THE HON. JUSTICE SHUSTER

HAVING HEARD - Crown Counsel, and from the defendant in person.

The defendant appears for sentencing - having plead **GUILTY** on **re-arraignment** on 10th February 2012 to an indictment, alleging the unlawful possession EIGHT LIVE ROUNDS of ammunition for a.22 rifle.

These offences are alleged to have occurred on or about November 2010 at Fatai, it is important to note that this defendant was not involved in threatening anyone with a firearm or ammunition and these live rounds were found during a police search for illicit drugs.

Having considered all the facts of the case, and noting the defendant is a first time offender

The defendant is sentenced as follows:-

Count 1 – The defendant is **FINED \$1,000.00TOP**

The defendant indicated he could not pay his \$1,000.00 fine in full today, so a reasonable offer was made to pay off his debt.

The court orders the defendant pay his \$1,000.00 fine at the rate of \$20.00TOP per week - the first payment of \$20.00 is due one week from today, on 17th February 2012 by 12.00.

The defendant can pay more than \$20.00 each week, but he may not pay less than \$20.00 per week.

In default of payment the defendant will serve **EIGHT** months in prison.

The defendant indicated he understood the effect of not paying his fine

This is to be a deterrent sentence, applying the principles enunciated in the **Crown –v- Cunningham**

<p>The Court orders the ammunition seized is forfeit to the Crown</p>
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DATED 10th February 2012

JUDGE