

IN THE SUPREME COURT OF TONGA

CR 252 OF 2010

CRIMINAL JURISDICTION

NUKU'ALOFA REGISTRY

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REX

-v-

HOLOMEESI FINAU

BEFORE THE HON. JUSTICE SHUSTER

**HAVING HEARD** from Crown Counsel, Mr. Tu'utafavia, and from the defendant in person

**The defendant appears for sentencing** - having pleaded guilty on arraignment on the 6<sup>th</sup> January 2011 before me, to an eight count indictment alleging, four counts of housebreaking and four counts of theft.

On the 6<sup>th</sup> January 2011 the defendant was told he would be given full credit for his early guilty pleas, and the case was adjourned for the preparation of a PSR to the 19<sup>th</sup> January 2011.

The defendant did not attend the Probation Office as ordered by the Court and on his next appearance on the 19<sup>th</sup> January 2011 he was remanded in custody for the preparation of a PSR and was remanded for non compliance with a Court Order.

On the 4<sup>th</sup> March 2011 the defendant appeared for sentencing and having considered all the facts especially considering the defendant pleaded guilty at the first available opportunity and that he co-operated with the police the court order is that the defendant is sentenced as follows:-

Count 1 – three years imprisonment

Count 2 – three years imprisonment

Count 3 – three years imprisonment

Count 4 – three years imprisonment

Count 5 – three years imprisonment

Count 6 – three years imprisonment

Count 7 – three years imprisonment

Count 8 – three years imprisonment

All sentences are to be served as a concurrent sentence.

I then go on to consider whether I can suspend the sentence of THREE YEARS which I have just passed, because these offences were committed with others, during the period July- September 2010 and the defendant has fully admitted his part in his offending - I have decided to suspend the whole of the sentence which I have just passed especially because of his youth.

The defendant was told - that if he committed any further offence or offences within the next three years then he would inevitably be sentenced to a long period in prison.

The defendant was told the number and frequency of housebreaking offences here in the Kingdom was increasing, and that is the reason for passing a deterrent sentence today. The defendant indicated he understood the effects of non compliance with a Court Order

DATED 4<sup>TH</sup> MARCH 2011

