

IN THE SUPREME COURT OF TONGA

CR 113 OF 2007

CRIMINAL JURISDICTION

NUKU'ALOFA REGISTRY

A  
26/09/11

REX

-v-

KAMOTO TALANOA

**BEFORE THE HON. JUSTICE SHUSTER**

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

**The defendant appears for sentencing** - having pleaded guilty on re-arraignment on 16<sup>th</sup> September 2011; to an indictment, alleging a single count of Unlawful Entry into a building at night, allegedly committed on 28<sup>th</sup> April 2007. According to the court records the defendant had previously failed to appear for trial and Justice Andrew had issued a bench warrant for his arrest on 26<sup>th</sup> February 2008.

That bench warrant was executed on 8<sup>th</sup> September 2011 and the defendant was remanded in custody for a date fix to 16<sup>th</sup> September 2011 as he could not find proper surities. On the morning of 16<sup>th</sup> September 2011 Mr Tu'utafavia indicated that the defendant requested to change his plea. It was ascertained no pressure had been put on the defendant in open court.

It should be noted that the defendant was at the time of the offence a first time offender. Having considered all the facts of the case, and considering the fact that the defendant pleaded guilty at the first available opportunity on the date the case was adjourned for trial and, the fact the defendant had co-operated with the police and lately with this court – and having heard

from the defendant in person and noting that he is first time offender with little income

**The defendant is sentenced as follows:-**

**Count one** – The defendant is - Fined \$200.00TOP.

The defendant is unable to pay his \$200.00 TOP Fine in full today, so he is ordered to pay the fine of \$200.00TOP within 30 days from today's date

I certify that I have warned the defendant about failing to pay his fine as ordered.

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

**DATED 16<sup>th</sup> SPTEMBER 2011**

 *[Handwritten Signature]*  
**JUDGE**