

**CRIMINAL JURISDICTION**

**NUKU'ALOFA REGISTRY**

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**REX**

**-V-**

**LISALA FIFITA VEA**

**BEFORE THE HON. JUSTICE SHUSTER**

**The defendant appears for a date fix from custody having apparently being unable to provide three sureties for his release.**

**HAVING HEARD Crown Counsel, and from the defendant in person**

The case file - reveals this defendant pleaded NOT guilty on arraignment on 06<sup>th</sup> June 2006 before Webster CJ, to an indictment alleging, two counts of obtaining money by false pretences –alleging the loss of \$2,600.00

According to our court records, the defendant failed to attend a jury trial set for hearing on 11<sup>th</sup> -15<sup>th</sup> June 2007. However nothing had been done since that date to secure the defendants attendance, before this court.

On 04<sup>th</sup> August 2011 on perusing this - apparent dormant file - this Court issued a warrant for the arrest of the defendant on that same date.

That arrest warrant was executed on 24<sup>th</sup> October 2011 and, on his arrest the defendant was granted conditional bail conditional, upon three persons providing sureties in the sum of \$2,000.00 each, and, the case was adjourned to fix a date for trial by Judge and Jury - to 25<sup>th</sup> November 2011 giving time for the Crown to locate their file.

On 25<sup>th</sup> November 2011 the defendant appeared before this court for a date fix, and at that time the defendant indicated to the Court he wished to change his plea - to guilty. The defendant was asked if he had been put

under any pressure to change his plea, he replied in the negative. [According to the Court file the defendant had fully admitted the offences in his police ROI and his CS] the Crown informed the Court that they had apparently lost their file in the fires of 16/1.

The court felt there was no point in adjourning the case for the preparation of a Pre-Sentence Report. It should be noted that the defendant was a First time offender at the time of the alleged offending.

Having considered all the facts of the case, and considering the fact that the defendant pleaded guilty and, the fact the defendant had apparently fully co-operated with the police on his arrest, as shown by his answers contained in the police ROI CS and CS

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

- **Count 1 – EIGHTEEN months imprisonment**
- **Count 2 – EIGHTEEN months imprisonment**

Considering the fact the defendant pleaded guilty and the fact the defendant stated he was at home for the full five years, since June 2006, the sentence of Imprisonment I have just passed on the defendant – **IS SUSPENDED** for three years, conditional on the defendant keeping the peace, and being of good behavior to everyone, and that he commits no further offence - within the operational period of the sentence.

The defendant indicated he clearly understands the effects of non compliance with a Court Order. This is to be a deterrent sentence applying the principles enunciated in the case of - ***Crown v Cunningham***.

**DATED 25<sup>th</sup> November 2011**

**J U D G E**