

IN THE SUPREME COURT OF TONGA

CR 100 OF 2011

CRIMINAL JURISDICTION

NUKU'ALOFA REGISTRY

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REX

-V-

PENONI KAHO

**BEFORE THE HON. JUSTICE SHUSTER**

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

**The defendant appears for sentencing** - having pleaded guilty on arraignment on the 27<sup>th</sup> May 2011; to an indictment, alleging two counts alleging an offence of HSB and of theft of property -valued at \$2,475.00.

On arraignment on 27<sup>th</sup> May 2011 the defendant was told he would be given credit for his early guilty plea and, the case was adjourned for the preparation of a PSR and, the defendant was remanded on bail for sentencing to the 21<sup>st</sup> July 2011 at 14.00. It was a condition of the defendant's bail that he co-operate in the making of the PSR – it should be noted that the defendant was a first time offender.

On 21<sup>st</sup> July 2011 the defendant appeared for sentencing but the Probation Service revealed that the defendant had not cooperated with the Probation Service in the preparation of a PSR accordingly the defendant was remanded in custody for a week, and the Probation Officer was asked to see him in the cells. The remand in custody was because the defendant had failed to comply with a Court Order.

On the 29<sup>th</sup> July 2011 the defendant appeared from custody for sentencing.. Having considered all the facts of the case, including the contents of the PSR and considering the fact that the defendant pleaded

guilty at the first available opportunity and, the fact the defendant fully cooperated with the police and with this court – and having heard from the defendant in person and noting that he is a first time offender –

**He is sentenced as follows:-**

**Count 1** – The defendant is sentenced to 2 years in prison - suspended for 3 years conditional upon him keeping the peace and being of good behaviour and committing no further offending during the period of the suspension of the sentence of imprisonment

**Count 2** – The defendant is ordered to complete 120 hours Community Service cleaning up the beach from the Palace to the Dateline Hotel and he is ordered to enroll in the Salvation Army Drugs and complete the Drugs and Alcohol Awareness Course and also the Life Skills Course

I certify that I have warned the defendant about committing any further offences – of failing to complete 120 hours of CSO or completing the SA courses.

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

**N>B> A copy of this order is to be served on the Probation Service -  
Forthwith.**

**DATED 29<sup>th</sup> July 2011**



**JUDGE**