

IN THE SUPREME COURT OF TONGA
CRIMINAL JURISDICTION

CR 54, 60 & 66 OF 2011

NUKU'ALOFA REGISTRY

REX

-v-

SIONE LETEO'O TALIA'ULI

AKA

SIONE 'ALATINE TALIA'ULI

BEFORE THE HON. JUSTICE SHUSTER

HAVING HEARD mitigation from Mr. Tu'utafavia – from Crown Counsel and from the defendant in person

- The court records indicate the defendant first appeared before the Supreme Court, on 04th March 2011 when he appeared for arraignment, on three amalgamated Supreme Court - files numbers CR54, 60, 66 all of 2011
- On 04th March 2011 the defendant pleaded guilty to two counts of [1] Housebreaking, and two counts [2] Theft of property- [3] a single count of willful damage to a building and [4] a single count of possession of housebreaking instruments. He was told on the 04th March 2011 that he would be given full credit for his early guilty plea.
- Having heard all the circumstances of the case and considering the fact the defendant is just 16 years of age the court considers its best option to deal with the defendants is as follows:-

- **FILE 60-2011 - ON COUNT ONE** - the defendant is sentenced to TWO YEARS in prison- I confirm my starting point was Four years imprisonment for a not guilty plea. The sentence is suspended in whole for a period of three years from today's date.
- **ON COUNT TWO** - theft the defendant is sentenced to Probation for three years
- **ON COUNT THREE** - willful damage to a building the defendant is sentenced to Probation for three years
- **ON COUNT FOUR** - possession of housebreaking instruments the defendant is sentenced to Probation for three years. The instruments are forfeit to the Crown.
- **FILE 66-2011 - ON COUNT ONE** - the defendant is sentenced to TWO YEARS in prison- I confirm my starting point was Four years imprisonment for a not guilty plea. The sentence is suspended in whole for a period of three years from today's date
- **ON COUNT TWO**- theft the defendant is sentenced to 120 Hours CSO cleaning up the beach and Vuna road from the Black Pearl to the Palace starting 28th May 2011
- Considering the defendant's youth and the fact that he was a first time offenders – and the fact the three files were consolidated into two distinct files, I have decided to suspend the entire two year sentence which I have just passed - on condition that the defendant keeps the peace and that he commits no further offending during the whole period of the suspended sentence.
- The defendant indicated in open court that he understood the effect of breaching this type of sentence.

- I emphasized the defendant is to obey the orders of the Probation Officer and he is to live where directed by the probation office.
- As a condition of his Probation, the defendant is to enroll in and to attend and complete the Salvation Army drugs and alcohol awareness course and also enroll in and complete the Salvation Army- life skills course.
- This is to be a deterrent sentence applying the principles enunciated in **R v Cunningham**

DATED 25th MAY 2011



[Signature]
JUDGE