

IN THE SUPREME COURT OF TONGA
CRIMINAL JURISDICTION
NUKU'ALOFA REGISTRY

NO. CR.301 of 2007

REX

-V-

LATU, KELEMETE

BEFORE THE HON. JUSTICE ANDREW

Counsel : Ms Puloka & Mr Pouono
Dates of Hearing : 16 APRIL 2010
Date of sentencing : 19 APRIL 2010

SENTENCING

The accused pleaded guilty to one count of Arson contrary to S.177 (1) of the Criminal Offences Act.

The particulars of the offence are that he on the 7th September 2007 at Matahau willfully and without lawful justification set fire to the property of KOLI TATAFU.

A summary of facts is as follows and I quote:

The little house (referred to as the "hut") that was burned down was approximately 16 fathoms in length and 14 fathoms in width. The hut was built by the complainants as a separate house for their eldest son namely: Lepa Tatafu. The hut was situated at the backyard of the complainant's residence, and was regularly visited by the accused who was of Lepa's friends.

On or about the night of the 7 September 2007, at Matahau, at approximately mid-night, the accused went to his neighbor and got some benzene. He then took the benzene to complainant's residence and poured it to the outside wall of the hut. He then opened the door, and entered the hut and poured the remaining benzene into its interior. The accused then came out and set fire to the hut, and then ran away. The hut got burned to the ground.

On the next morning, the complainant went and inquired with the accused as to who had set fire to the hut. The accused admitted that it was him who had set fire to the hut. The complainants then lodged their complaint to the Police.

On his statement to the Police on the 13 September 2007, the accused told the Police that the reason why he set fire to the hut, was that he was very disappointed with Lepa, as he had stolen some clothes from his house and then ran away to the island of Vava'u. He further stated that when Lepa returned to Matahau on the 6 September 2007, he then remembered what he (Lepa) had done, thus he set out to burn Lepa's hut.

It is apparent that the accused and the owner of the hut were friends but that the accused believed that the victim had stolen some of his clothes. For that reason he burnt down the victim's hut which was described as a small bush hut.

A Probation report under the hand of Patelesio Pale advises that the accused was a young man at the time. In fact he was just 18. I accept the report and the information that there is no longer any problem between the accused and the complainant and the accused re-built the hut. He owned up immediately at the time and he is clearly remorseful for what he did.

I accept also the evidence that the accused has completely reformed and has become a missionary for his church. He supports his mother and family following the death of his father. In fact he was a and is a good person but simply committed this offence on the spur of the moment. I do not believe he will re-offend and he is truly remorseful. He is a first offender.

The offence of Arson is a serious one but in the circumstances, this is not a hard case of its kind.

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In all of the circumstances I propose to fair a sentence which reflects the seriousness of the offence but because of the strong mitigating factors and especially the fact that the accused has reformed completely, to suspend the whole of that sentence upon condition of good behavior.

Would you stand up please.

You are sentenced to 9 months imprisonment but the whole of that sentence is suspended upon condition that you be of good behavior for the next 9 month.

NUKU'ALOFA: 19 APRIL 2010



Andrew J.
JUDGE