

**IN THE SUPREME COURT OF TONGA**      **CR 58 OF 2011**  
**CRIMINAL JURISDICTION**  
**NUKU'ALOFA REGISTRY**

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**REX**

**-V-**

**SIUA TAUELANGI**

**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 arraignment on the 04<sup>th</sup> March 2011; to an indictment, alleging two counts of - bodily harm involving a macette attack on two persons

On arraignment on 04<sup>th</sup> March 2011 the defendant was told he would be given full credit for his early guilty plea and, the case was adjourned for the preparation of a PSR the defendant was remanded in custody for the preparation of the PSR in view of the nature and seriousness of the offences. It should be noted that the defendant is NOT a first time offender but he had fully admitted his part in the offending to the police and the court.

Unfortunately information was received the police released the defendant from custody inadvertently - he was subsequently arrested on a bench warrant issued by this court on 09<sup>th</sup> September 2011

**THE BRIEF FACTS**

The facts revealed that on 08<sup>th</sup> October 2010 the defendant was involved in an incident when he struck two persons with a machette. The parties both

suffered injuries requiring hospital treatment. The defendant admitted the facts to the police and to this court at the first available opportunity - he has apologized to both victims

On 16<sup>TH</sup> September 2011 the defendant appeared for sentencing..

Having considered all the facts of the case, including the contents of the PSR - considering the fact that the defendant pleaded guilty at the first available opportunity and, the fact the defendant fully co-operated with the police and with this court – and has apologized to his victim. Having heard from the defendant in person and noting he is NOT a first time offender. I told the defendant my starting point for a machete attack on two victims causing injuries as described in the medical report on a Not Guilty plea after trial was a sentence of five years [5yrs] imprisonment.

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

**Count 1** – The defendant is sentenced to THREE AND A HALF YEARS in prison – The last six months of which, is suspended 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 also sentenced to THREE AND A HALF YEARS in prison – The last six months of which is suspended 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 – this is a concurrent sentence

This is to be a deterrent sentence, applying the principles enunciated in **Crown –v- Cunningham – the sentence is to run from 08-08-2011**

DATED 16<sup>th</sup> SEPTEMBER 2011



*Shubert*

JUDGE

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