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REX

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FELETI TAUTUA'A

BEFORE THE HON. MR. JUSTICE SHUSTER

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

The defendant appears before this court for sentencing: -

The defendant pleads guilty on 04<sup>th</sup> March 2011, to a four count Indictment alleging an offence of: - carnal knowledge of a girl, rape and two offences of indecent assault. On the 4<sup>th</sup> March 2011 the defendant was arraigned by this court he pleaded guilty at the first available opportunity to each charge and the matter was adjourned to 18<sup>th</sup> April 2011 for preparation of a PSR.

1. In view of the nature and the seriousness of the offences, which had been carried out over a protracted period of time, the defendant was remanded in custody for sentencing to Monday 18<sup>th</sup> April 2011 the Court arranged, for the preparation of a PSR
2. On 18<sup>th</sup> April 2011 the defendant appeared for sentencing. Having considered all the facts and having heard from defence Counsel and from the defendant in person and having considering the contents of the PSR
3. The defendant is sentenced as follows:-  
Count 1—the defendant is sentenced to **EIGHT** years imprisonment  
Count 2- the defendant is sentenced to **SEVEN** years imprisonment  
Count 3- the defendant is sentenced to **THREE** years imprisonment  
Count 4- the defendant is sentenced to **THREE** years imprisonment

4. The Court considered further the defendant's early guilty pleas and the fact the defendant by his guilty pleas avoided putting the victim in this case through the trauma of having to give evidence. Had the defendant pleaded not guilty and had he been found guilty after trial, I told the defendant my starting point would have been a sentence in the region of 14-16 years
5. Mr. Tu'utafavia indicated the defendant in his interview with the probation officer indicated he did not rape the victim; but Mr. Tu'utafavia indicated in open court today that report was inaccurate the defendant accepts the facts read out by the prosecutor and he fully admitted his part in offending in this - serious case.
6. The defendant expressed his remorse when he addressed the court himself and he apologized for his actions.

#### CONSIDERING THE SPECIAL CIRCUMSTANCES OF THIS CASE

- I have decided the last year of the eight year sentence I have just imposed on Count One, can be further reduced - by my suspending the last year of that eight year sentence.
- The defendant will serve a period of **SEVEN YEARS** in prison to run from 4<sup>th</sup> March 2011 the date of his remand into custody.
- The last year of that eight years sentence, will be suspended conditional on him keeping the peace and being of good behaviour and committing no further offences during the period of suspension.

DATED 18th APRIL 2011



A handwritten signature in black ink, appearing to be 'Sull', written over the judge's seal.

JUDGE