

IN THE SUPREME COURT OF TONGA CR 218 of 2010
CRIMINAL JURISDICTION
NUKU'ALOFA REGISTRY

R E X

V

SIMIFI KOSETI MAHE

BEFORE THE HON. JUSTICE CATO

SUMMARY OF SENTENCE DELIVERED ORALLY.

The prisoner pleaded guilty to one count of armed robbery and one count of possession and one count of possession of arms without a licence.

The prisoner and another Kona'i Bloomfield robbed Cowley's Bakery and about \$9000 was taken. Some of that money was recovered. Bloomfield was the get - away driver.

The prisoner had a pistol which he maintained was a replica. However, he pleaded guilty to possession of a gun without a licence.

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Late guilty plea before trial after voir dire failed contesting admissions.

Previous conviction for robbery served 10 years in USA and deported.

Large family having married on return from Tonga. Family effectively destitute without prisoner – motive he did this to provide for family when unemployed – treated as neutral sentencing mitigating factor.

SENTENCE

Head sentence in the case is for armed robbery using a gun – starting point 7 and half years.

Starting point armed robbery with guns – 8 years.

Little difference whether replica or real gun to present sentence.

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If loaded gun and or fired and or injury these would have aggravated head sentence beyond starting point of 7 ½ years.

Deterrence primary sentencing rationale – protection of society

18 months for guilty plea late but saved lengthy trial

Sentence 6 years – last 18 months suspended on condition no further crimes punishable by imprisonment for a period of 18 months – prisoner had explained at trial his motive and was considered in all circumstances and reasonable prospect for rehabilitation.

Count 2 – 6 months imprisonment

Concurrent

DATED: 5 APRIL 2013