

REX

-V-

SIONE MAILE MAFI

BEFORE THE HON. JUSTICE SHUSTER

HAVING HEARD - Crown Counsel, Defence Counsel, and from the defendant in person.

The defendant appears for sentencing - having plead guilty on arraignment on the 19th January 2011; to a six count indictment, alleging three counts of housebreaking, two counts of theft, and one count of indecent assault

On arraignment on the 19th January 2011 the defendant was told he would be given full credit for his early guilty pleas and, the case was adjourned for the preparation of a PSR and, the defendant was remanded in custody

He was remanded in custody because of the nature and seriousness of his offending and the fact that he was serving a sentence of imprisonment, for an offence of HSB₁ imposed by the Magistrates Court – thus it was obvious the defendant was NOT - a first time offender.

~~I consider the fact that the defendant indecently assaulted a female who was asleep in a house which he broke into, as a particularly serious offence which warrants an immediate and also a lengthy custodial sentence.~~

On the 4th March 2011 the defendant appeared for sentencing. Having considered all the facts of the case including the contents of the PSR and 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 - he is sentenced as follows:-

Count 1 – three years imprisonment

Count 2 – nine months imprisonment

Count 3 – three years imprisonment

Count 4 – nine months imprisonment

Count 5 – three years imprisonment

Count 6 – two years imprisonment

All sentences are to be served concurrently.

I have considered whether I can suspend the three year sentence which I have just passed and, I have decided to suspend the last TWELVE months of the three year sentence so effectively the defendant will serve - TWO YEARS in prison.

This is to be a deterrent sentence, applying the principles enunciated in Crown –v- Cunningham

DATED 4TH MARCH 2011

