

**IN THE SUPREME COURT OF SAMOA**

**HELD AT MULINUU**

**BETWEEN:**            **P O L I C E**

*Prosecution*

**A N D:**                **PUNAOTALA SAKAI**, *female*  
*of Salelavalu Savaii*

*Defendant*

**Counsel:**                T Toailoa and L Taimalelagi for the prosecution  
Defendant in person

**Hearing:**                20 October 2011

**Sentence:**              23 April 2012

**Charge:**                Theft As a Servant

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**SENTENCE OF SLICER J**

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1. Punaotala Sakai (“Punaotala”) has pleaded guilty to the offence of Theft As A Servant contrary to the Crimes Ordinance 1961, sections 85, 86.
2. The volume of the stolen property was \$5,230. On 16 January 2012, her partner, the co-defendant was sentenced to a term of imprisonment for nine (9) months for his part in the theft.
3. But there are good reasons to impose a far more severe penalty on this defendant. She was employed as the General Manager of the complainant Company, the Gold

Tick Services Limited, whereas her partner was employed as an 'odd-job man' to help around the office. The present defendant was the planner and initiator of the theft of numerous items of property.

4. Punaotala (also known as Tara or Tala) had been given every opportunity by her employer, but betrayed the trust of her employer. He states in the Victim Impact Statement:

“She ‘plays at life’ treating theft, fraud and lies as a game, without an ounce of reality. A recent phone call from Tara attempting another ‘con’ started with the words ‘Oh, Hi Dennis, this is Tara! They got me on the cheques...’ and then she carried on a conversation about how she could retrieve all the stolen gear as if it mattered not that some people were thousands of dollars out of pocket as a result of her fraudulent behaviour (her theft of some cheques and her subsequent cashing of them).

Throughout the entire process of lodging the police complaint on these matters, watching the investigation evolve and observing this court case I have constantly told Tara that should she simply do the right thing and speak the truth to me and the authorities dealing with the crimes (i.e. confess to what she did and assist in the recovery of the stolen equipment, and remove herself permanently from her violent home situation) I would seek a suspended sentence and do what I could to assist her further.

On the other hand, I told her that if she didn't do this, then I would press charges and seek the maximum sentence.

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At the time, I was in New Zealand recovering from an assault from the Samoan landlord – in fact an event witnessed by both Tara and Masetoni. My medical situation was such that I believed that a CT scan was required in New Zealand.

I had two choices at the time – to give the keys of the car and the business to Tara to ‘keep the fires burning’, or to close down the business. With two volunteers scheduled to arrive in Samoa within weeks, I chose the former option, one that I have since lived to regret.

Their thievery was one of several material factors that caused us to close the Satapuala business down on my return. We have had to replace many of the tools and other gear stolen, so the financial loss was a body blow to a Palagi couple that had recently come to Samoa ‘to help’, selling all and sacrificing heavily personally to do this.”

5. Punaotala has an extensive record of prior conviction. She has used six (6) names as aliases. She is aged 33 and her record commences in 1997 and includes:

- theft	4
- document fraud	55
- breach of supervision orders	2
- obtaining financial benefit by deception	9
- breach of conditions of detention	1
- breach of community work orders	1
- breach of bail	3

6. She has had the benefit of supervision, community work orders, home detention and suspended sentences. Despite those opportunities she has continued to offend and has made little, if any, attempts to change her ways.

7. She has shown little, if any, remorse.

8. Despite a difficult childhood, she has managed to complete 1 year of an accountancy course at Victoria University in New Zealand.

### **Remorse and Reconciliation**

9. The Pre Sentence Report states:

“Tala stated that she feels she and her husband have been hardly served by her former employer relating that she never received any real payment for her and her husband’s services rendered to the complainant. She however showed feelings of remorse and seeks the Court’s leniency when passing sentence. Police Records inform that Punaotala has no previous conviction. However, Leinafo of the Attorney General’s Office has relayed that Punaotala has a long list of convictions and warrants of arrests are out for her in New Zealand.

Reconciliation:

Tala stated that she had met up with her former boss and apologised for what has happened. However, an interview with the complainant Mr. Dennis Smith informed otherwise that no reconciliation had been made over this matter.

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It appears that this offence emerged from a misunderstanding between Tala and her former employer after he had departed to New Zealand without any clear indication of what she was left to do in his absence. Nevertheless, she had clearly breached the trust that was given to her by her former employer. Tala has accepted the charge against her and her husband and has apologised to her former employer for this matter. However, an interview with the complainant reveals that such statements of reconciliation by Tala are not true.”

10. Punaotala has three children and has made arrangements for their care in the event of imprisonment. She has ceased her relationship with her former partner and co-defendant. She recently gave birth to a child in December 2011.

11. Despite those mitigating matters her record, breach of trust and the repeated acts of theft warrant a significant penalty which would be three (3) years imprisonment. However, it will be reduced to two (2) years which might enable the Immigration authorities to deport her more quickly. The Court also advises that Punaotala might make an application to serve her sentence in New Zealand under the International Transfer of Prisoners Act 2009.

**ORDERS OF THE COURT:**

- (1) Punaotala Sakai is convicted of the crime of Theft As A Servant; and
- (2) Punaotala Sakai is sentenced to a term of imprisonment for a period of two (2) years, such sentence to commence as and from 27 March 2012.

  
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(JUSTICE SLICER)