12/07/17
Scan, email
all counsels.
File SC's Practice
Directions File.
12/07/17.

Telephone	:	(676) 23 599 or 22 380	

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Our Ref : P-5-262/2017

Date : 10 July 2017

Supreme Court,
P.O. Box 11,
Nuku'alofa,
KINGDOM OF TONGA

Hon. Acting Attorney General & Director of Public Prosecutions
Solicitor General
Chief Magistrate
All Magistrates
Law Practitioners
Police Commissioner
O.I.C Police Prosecutions
Probation Office

Dear all,

RE: PRACTICE DIRECTIONS NO. 1 OF 2017

Attached is the Practice Directions No. 1 of 2017 for your information please.

Malo,

....
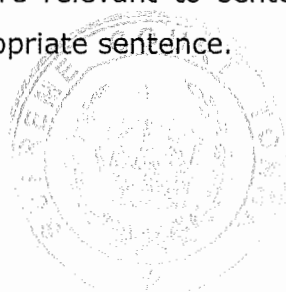**Registrar, Supreme Court**

PRACTICE DIRECTION NO.1 OF 2017

ROLE OF PROSECUTING COUNSEL AFTER VERDICT

[1]   Practice Direction No.1 of 1999 is hereby revoked, and replaced with this Practice Direction.

[2]   It is the duty of prosecuting counsel to provide assistance to the Court in matters of sentencing, which include:

a.   Informing the Court as to whether the accused has any (relevant) previous convictions;

b.   Presenting the Crown's views on what are the aggravating features of the case, and what the Crown accepts as mitigating factors;

c.   To inform the Court of any relevant legislation on the appropriate sentence;

d.   Bringing to the attention of the Court any guideline or comparable sentencing cases, with copies made available to the Court, and also to the accused or defence counsel, if required;

e.   To correct any error on fact or law made by the accused or defence counsel in his/her address to the Court in mitigation of sentencing;

f.   To inform the Court of the Crown's view on whether a custodial or non-custodial sentence is appropriate, and also the Crown's view on a proper range of penalty by reference to relevant authorities;

g.   To bring before the Court any appropriate compensation, forfeiture and restitution matters that may arise; and

h.   Any other matters that are relevant to sentence in order to assist the Court in imposing an appropriate sentence.

O.G. Paulsen
Dated: 10 July 2017.   **LORD CHIEF JUSTICE**