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TRANSCRIPT OF PROCEEDINGS

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DISTRICT COURT OF QUEENSLAND

CRIMINAL JURISDICTION

JUDGE DICK SC

Indictment No 189 of 2014

THE QUEEN

v.

BRADLEY METUA FREDERICK PULEOSI

SOUTHPORT

0.21 AM, THURSDAY, 28 AUGUST 2014

SENTENCE

Any Rulings that may be included in this transcript, may be extracted and subject to revision by the Presiding Judge.

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HER HONOUR: Stand up. The law says that when a judge sentences an offender for any offence of a sexual nature committed in relation to a child under 16, the offender must serve an actual term of imprisonment unless there are exceptional circumstance. Now, it does not matter what I think about the law. That is the law that I must work under. So you can assume that before the sentence started, there would have been a sentence of actual

custody, for a period of time. It might have only been a couple of months, but there would have been actual custody.

I have seen the schedule of facts. The first two counts about exposing yourself and although unpleasant and in a public place, they have something of a childlike quality about them and involve no touching of the children. The third count is more serious and it involved your niece and it involved this happening in a situation where you were caring for her. So it involves a very serious breach of trust.

All counts are at the low end of the range of behaviour that can come into this charge. There is no penetration; there is no oral sex; there is no touching bare flesh. Nevertheless, each of them amount to an offence of a sexual nature.

You have pleaded guilty in a very timely way. You did not undergo an interview, but no child has been required to give evidence. As a result of you being charged, you have been seeing by a psychologist, Suzanne Riggs. She has taken considerable time and effort of you. She comes to some opinion about you. She notes your background of having hearing problems undiagnosed as a child for some time. She notes that you went through a period of life where you were successfully playing sport and you were looking forward to an international career in your chosen sport, until an incident involving an achilles heel injury. After that, you put on weight, you did not have work and she is of the opinion that you then started to suffer anxiety as a major feature in your life. This was demonstrated by even seeing her, you were not able to have the door shut; you could not travel in a closed car; you could not fly and I am told it was while you were suffering that anxiety that you spent 14 hours in custody. So I understand that would have been difficult for you.

Since you have been seeing her, that anxiety has improved and you have been able to fly. She also says that that anxiety had led to a state of, if not depression, very nearly depression. And she is seeing advances from there. Importantly, she points out that you have insight into the offences and you have expressed remorse and repulsion at your own behaviour.

She has performed tests to assess your risk of re-offending and she has put that at moderate to low range. It is proposed that you continue to see her at your own expense, on a regular basis; three weekly. I hope that is the case, because you have a number of problems that need addressing and she seems to be doing you good.

Now, I should say that there is no victim impact statement from any of the complainants. Indeed, in relation to the third and most serious offence, there is a reference from your niece. That in itself is an exceptional circumstance. In addition, you have suffered over and above any penalty the court can impose, because your

offending means that you have not been able to live with your mother, because she has a child care centre at home. She is worried about the future of that. And it is clear you will not be able to return there after the proceedings today. So that is an extra-curial penalty which contributes to the exceptional circumstances.

So it is the self-motivated rehabilitation by you, the reference from Chantique, the fact that you 14 hours spent in custody with your anxiety and the fact that you have not been able to live at home, leads me to come to the opinion that in this case there are exceptional circumstances.

In relation to count 1 and 2, on the indictment, I want to offer you probation. When I say offer it to you, I cannot order it unless you agree to it. Do you know the conditions of probation? You will have to report if you are told to.

DEFENDANT: Okay. Yep.

HER HONOUR: Go to any course that you're told to do.

DEFENDANT: Yes.

HER HONOUR: And just, generally, cooperate with the officer.

DEFENDANT: Yep.

HER HONOUR: Not commit other offences. If you do, you can be sentenced again for these ones.

DEFENDANT: Yes.

HER HONOUR: You must not leave or stay out of Queensland without the permission of the officer. And if you change address or occupation, tell the officer. It is all about keeping in contact with you. On the third count on the indictment, I am going to order a sentence of nine months imprisonment and I will order that it be suspended. I will order the operational period be for two years. Now, you cannot commit any offence in that two years. It does not have to be an offence like this. Even some traffic offences could breach it. So you have to stay squeaky clean.

DEFENDANT: Yeah.

HER HONOUR: In respect of counts 1 and 2 on the indictment, I order that the accused be released under the supervision of an authorised corrective services officer for a period of 12 months in each case and must comply with the requirements set out in section 93(1) of the Penalties and Sentences Act 1992 and report within 24 hours to an authorised corrective services officer. In relation to count 3 on the indictment, I order that you be sentenced to imprisonment for a period of nine months.

I order the whole of the term of imprisonment be suspended forthwith. And you must not commit another offence punishable by imprisonment, within a period of two years, if you are to avoid being dealt with for the suspended term of imprisonment. I have not said whether convictions should be recorded on counts 1 and 2, but it is a necessity of count 3, so I will record them.

MR McMILLAN: Yes. May it please your Honour.

HER HONOUR: And I should say I am cognisant of the fact that that will put him in the situation of having to report.

MR McMILLAN: Of course it will. Yes.

HER HONOUR: Yes.
