

# State Reporting Bureau



## Transcript of Proceedings

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DISTRICT COURT

CRIMINAL JURISDICTION

JUDGE HARRISON

THE QUEEN

v.

MICHAEL TEWA TAWHI TAMOU

INNISFAIL

..DATE 27/11/2012

..DAY 1

SENTENCE

**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.

HIS HONOUR: Stand up please, Mr Tamou. I think you heard me refer to you before as a clown, or an idiot. Well you are; I make no apology for speaking to you like that. It's people like you that wreck it for everyone. Time and time again we hear how people are dissatisfied about the sentences that the Courts impose; and how the push is on for tougher and tougher sentences. And it's because of grubs like you, and I use that word advisedly; grubs like you that we're hearing that.

People see someone like you treat this Court with contempt and that's what you did. You got given a chance by Judge Everson, he was sympathetic to the circumstances surrounding your offending last time, and he was sympathetic because of your commitments. You threatened two people with a tomahawk. Now I accept that there had been an earlier argument, and I accept that the woman involved had stirred you up by sending abusive texts to you. But you can't just go ahead - lose the temper, put your brain into neutral, if you have got one - and I seriously question that - and then just go and do what you like.

But anyway, he was lenient, and he ordered that you do some community service. But no, boofheads like you don't have to do that, you do what you like. Within a month, within a month of him doing that, you are out on the streets on a rampage. That's the only way to describe it. You've committed offences of stealing; offences of assault, including a serious assault on police.

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The net result of all of that is, that the Magistrate had no option but to deal with you on the 20th of August 2012, when she dealt with you on charges, as I said, public nuisance. Committed on the 27th of September, five weeks after the Judge sentenced you. A wilful damage of police property, so the police came, doing their job, but no, you the grub - you think you can do what you like.

Stealing, that same day, or the 24th, sorry, a month after you were sentenced in this Court, you were off stealing. What a goose. And you have got four kids, I'm told? Three then, four now. But you don't care less about your kids, I don't think you do. If you did you would realise that the best place for you is to be supporting them, not bludging off the Queensland taxpayer in gaol, costing us a fortune. But no, that's where you want to be, because nothing penetrates your thick skull.

Common assault, on the same day. Common assault on the same day. An old wilful damage that I won't worry about because it pre-dated the Magistrates Court sentence, and serious assault on the police, also committed on the 27th of September. So two lots of offending, all within five weeks of your being sentenced in the District Court. What does that tell me? It tells me you're an impulsive, angry, idiot that has no intention of complying with Court orders. You didn't even do your community service; from the word go you were making one miserable excuse after another.

Why? Who knows why. Because nothing registers in that head.

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You will be back. If I was sure who was going to win the Melbourne Cup next year as I was about you reoffending, I would make a fortune. Because you've got no respect, have you, for this system? None whatsoever. You do what you like. You do your block and you go and hurt people. You go and assault people; you go and steal things, because you don't care.

Now I've got to work out what to do with you. I don't think that the originating offence was all that serious in the overall scheme of things; nothing compared to what I see on your record. And even though, as you gathered, I'm not very happy with you for the way you have treated the Court, I don't think anything will be achieved by making you serve any longer than what you have just served. You only got out on Sunday and it seems to me that you have got the balance of the sentences imposed by the Magistrate hanging over your head.

Just excuse me. What has he got left hanging over his head, can you tell me?

MR CRANE: I understand it to be about nine months; bit over 10 months.

HIS HONOUR: All right. Yes. The way she structured the sentences, with some of them being cumulative with each other, you have about 10 months hanging over your head. I don't think, however upset I am with you for the contempt you have shown to this place, anything is to be gained by putting you back in for a short term and sending you out again. You are going to remain on parole now for about 10 months, and it's up

to you. I don't hold out any confidence. Someone is going to say something to you one day, someone is going to cut you off in a car, or someone is going to say "Boo", to you, and out will come the fist, about three seconds before the brain, because that's the way you operate. And I don't think you are ever going to change.

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So what I'm going to do is accede to the request from the prosecution. Firstly, I'm satisfied that you have breached the community service order imposed by Judge Everson, on the 22nd of August 2011, in two ways. Firstly by failing to comply and do the work; and secondly and more importantly, by the spate of offending on the 24th of September and the 29th of September 2011, for which you were dealt with in the Innisfail Magistrates Court on the 20th of August this year.

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In the circumstances the only sensible option, having regard to the two reports, is to revoke the order and I revoke the order, pursuant to section 120 of the Penalties and Sentences Act. In the circumstances the only sensible thing to do is to re-sentence you, under Section 121 of the Act.

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I take into account the circumstances surrounding the offending and the personal circumstances, but more importantly I take into account the fact that you have a substantial period of parole hanging over your head. And that relates to matters which are more serious than this. That being the case, on the resentence of the common assault, I sentence you to three months imprisonment, and I fix your parole release date

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as today, the 27th of November 2012.

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Now, Mr Sheridan will explain to you what all that means. I  
hope for your sake you never lob before me again. because you  
know what I think about you; I haven't held back. All right.  
Thank you.

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