

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**[CRIMINAL JURISDICTION]**

**Criminal Case No. HAC 382 of 2018**  
**[Nasinu Magistrates' Court Criminal Case No. 1727 of 2018]**

**BETWEEN** : STATE

**AND** : TIMOCI TIKINA

**Counsel** : Ms S Lodhia for the State  
Ms L David for the Accused

**Dates of Hearing** : 14 February 2019

**Date of Sentence** : 4 March 2019

**SENTENCE**

- [1] Timoci Tikina, you have pleaded guilty to a charge of aggravated robbery contrary to section 311(1)(b) of the Crimes Act. You are represented by counsel. You have informed the Court that you were pleading guilty freely and voluntarily. The Court finds your guilty plea informed and unambiguous. You are convicted as charged.
- [2] In sentencing you I take into account your admitted facts. On 8 October 2018 at about 12 noon, you entered a shop at Kinoya armed with a cane knife and threatened an employee to hand over the money till and his mobile phone. The till had \$3,180 cash. You fled the scene with the cash and phone after threatening the employee with death if he reported the matter.

- [3] On 9 October 2018 you were arrested and interviewed under caution. You made a full confession to Police. You had told Police you had spent the money on drinks, rental car and friends. The mobile phone was recovered from you.
- [4] The maximum sentence prescribed for aggravated robbery is 20 years imprisonment. The tariff for aggravated robbery committed on premises is 8 – 16 years' imprisonment (*Wise v State* [2015] FJSC 7; CAV0004.2015 (24 April 2015)).
- [5] The objective seriousness of the offence is that you committed the offence armed with a cane knife. I pick 8 years' imprisonment as a starting point.
- [6] You have offered to explain your criminal conduct. The shop owner was your employee. You stole from him because he did not pay your wages. You now realize that that is not an excuse for your act. You are 20 years old and a first time offender. You have entered an early guilty plea and have expressed remorse. Your guilty plea also have utilitarian value in terms of saving court time and resources.
- [7] I consider the following as aggravating factors:
- As an employee you breached the trust of your employer by stealing from him.
  - You threatened the victim with death to scare him from reporting.
  - The premises robbed were a shop.
- [8] For these factors I increase your sentence by 2 years.

- [9] Fortunately, the victim was not physical harmed. You did not try to conceal your identity by wearing masks. You did not plan the offence but acted on the spur of the moment, taking advantage of the fact that the victim was alone in the shop.
- [10] For your early guilty plea, genuine remorse and saving court time and resources, I give you a discount of 3 years. I give you a further discount of 2 years for your young age and previous good character.
- [11] I sentence you to 5 years' imprisonment. The purpose of your sentence is to denounce your conduct, protect the community and deter you and others from engaging in this kind of anti-social behavior.
- [12] You have requested this Court not to fix a non-parole period to give you an incentive to rehabilitate. I am inclined to accede to that request. You are young and have expressed genuine remorse by taking responsibility for your act. There is hope for reform.
- [13] Your head sentence is 5 years' imprisonment. You have been in custody on remand for nearly 5 months. The remaining term for you to serve is 4 years, 7 months' imprisonment I decline to fix a non-parole period.



A handwritten signature in blue ink, appearing to be "D. Goundar".

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**Hon. Mr Justice Daniel Goundar**

**Solicitors:**

Office of the Director of Public Prosecutions for the State  
Office of Legal Aid Commission for the Accused