

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

Criminal Case No. HAC 379 of 2018
[Magistrates' Court Criminal Case Number 1981 of 2018]

BETWEEN : STATE

AND : SEMISI TUINANUYA NANOVU

Counsel : Ms K Semisi for the State
Mr K Chang for the Accused

Dates of Hearing : 12 February 2019

Date of Sentence : 7 March 2019

SENTENCE

- [1] Semisi Nanovu, you have freely and voluntarily pleaded guilty to a charge of aggravated robbery contrary to section 311(1) (a) of the Crimes Act. You are represented by counsel. The Court finds that your guilty plea is informed and unambiguous. You are convicted as charged.
- [2] I now pronounce your sentence. You committed a street mugging. On 1 October 2018 at about 9.30 am, you in company of another snatched a handbag containing \$100.00 cash, a mobile phone and a bottle of perfume from a 46-year old female victim walking along the Laucala Bay Road in Suva. She ran after you but you managed to get away. You shared the proceeds of your crime with your accomplice. Nothing had been recovered. A witness recognized you when you were running away from the crime scene.

- [3] On 5 October 2018, you were arrested and interviewed under caution. You made a full confession to Police. You have remained in custody on remand since that date.
- [4] The maximum penalty for aggravated robbery is 20 years imprisonment. The tariff for street mugging is 18 months to 5 years' imprisonment (*Raqauqau v State* [2008] FJCA 34; AAU0100.2007 (4 August 2008)).
- [5] I use 3 years imprisonment as a starting point. The starting point reflects the objective seriousness of the offence, that is, the offence was committed in company of another in broad daylight and on a street. There are no aggravating factors. Little force was used. No weapon was used. No attempt was made to conceal identity. No physical injury was caused to the victim. No panning was involved.
- [6] You have entered an early guilty plea and expressed remorse. Your guilty plea is consistent with your confession to Police. You have saved court time and resources. For these factors I give you a discount of 1 year.
- [7] You are 22 years old and a first time offender. I give you a further discount of 6 months for your young age and previous good character.
- [8] You are married and have a 1-year old daughter. You work as a casual labourer to support your family. You regret your conduct and you seek an opportunity to rehabilitate.
- [9] Street mugging is too prevalent in our community. It is an offence that the courts have a duty to denounce and deter to keep the community safe.
- [10] However, in your case there are compelling grounds to give effect to the principle of rehabilitation. The remorse you expressed by confessing to Police and pleading guilty early is genuine. The offence did not involve any planning or infliction of physical violence on the victim. It was a case of snatch and run, for which you have been in custody on remand for nearly 5 months.

[1] In all circumstances of the case a suspension of sentence is justified to give you an incentive to reform and live a life free of crime.

[12] You are sentenced to 18 months' imprisonment suspended for 3 years. [suspended sentence explained].



A handwritten signature in blue ink, appearing to be "D.G.", is written above a dotted line.

Hon. Mr Justice Daniel Goundar

Solicitors:

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