

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

**Criminal Case No. HAC 437 of 2018**  
**[Magistrates' Court Criminal Case No. 2196 of 2018]**

**BETWEEN** : STATE

**AND** : JESONI BALEIWAI  
INIA BULIVOU

**Counsel** : Ms K Semisi for the State  
Both Accused in person

**Dates of Hearing** : 12 February 2019

**Date of Sentence** : 7 March 2019

**SENTENCE**

- [1] Jesoni Baleiwai and Inia Bulivou, you have both pleaded guilty to a charge of aggravated robbery contrary to section 311(1) (a) of the Crimes Act. After hearing you, the Court is satisfied that your guilty pleas are informed and unambiguous. Both are convicted as charged.
- [2] The facts are that on 13 November 2018, you mugged a 19-year old male victim of his wallet and mobile phone in broad daylight when he was on his way to work. The incident occurred at Vatuwaqa, Suva. The attack on the victim was by three youths. The attack was coordinated. Physical violence was inflicted on the victim. One attacker punched the victim; the other pulled the victim's legs while the third attacker removed the victim's property.

- [3] On 13 November 2018, both of you were arrested and interviewed under caution. Both of you have made a full confession to Police. The mobile phone was recovered from the person whom you have sold the phone to.
- [4] In determining the objective seriousness of the offending, I am mindful that the penalty for aggravated robbery is 20 years imprisonment. The nature of robbery in this case is street mugging in company of others. The sentences for street mugging range from 18 months to 5 years' imprisonment depending on the nature and degree of violence used (*Raqauqau v State* [2008] FJCA 34; AAU0100.2007 (4 August 2008)). I use the same starting point for both of you. I pick 3 years imprisonment as a starting point. The aggravating factor is that actual violence was inflicted on the victim in broad daylight. I increase the sentence to 4 years imprisonment to reflect this aggravating factor.
- [5] Both of you have entered early guilty pleas consistent with your confessions to Police. You have saved court time and resources. For these factors I reduce your sentence by one year.
- [6] Both of you are young and first time offenders. Jesoni Baliewai, you are 19 years old. Inia Bulivou, you are 20 years old. For these factors I give you a discount of 8 months.
- [7] Both of you are unemployed and come from a disadvantaged background. But unemployment and poverty are no excuse to engage in anti-social behavior. The courts duty is to denounce any act of violence and protect the community by deterring you and others from this kind of anti-social behavior.
- [8] I am mindful that you are young and first time offenders. But I cannot ignore that physical violence was inflicted in a coordinated group attack on the victim who also was a young person of 19 years of age. A custodial sentence is justified.

- [9] Both of you are sentenced to a term of 2 years 4 months' imprisonment. You have already served about 4 months in custody on remand. The balance of the term to serve is 2 years' imprisonment. I decline to fix a non-parole period to give you an incentive to reform.
- [10] The recovered mobile phone is restored to the owner.



A handwritten signature in blue ink, appearing to be "D. Goundar", written over a dotted line.

Hon. Mr Justice Daniel Goundar

**Solicitors:**

Office of the Director of Public Prosecutions for the State  
Both Accused in person