

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

Crim. Case No: HAC 256 of 2020

BETWEEN: STATE

PROSECUTION

A N D: 1. EREMASI KOROI
2. SEVULONI RAWAINOKA

ACCUSED PERSONS

Counsel : Ms. N. Shankar for the State
Mr. J. Korotini for 1st Accused
Ms. M. Chand for 2nd Accused

Date of Sentence : 23rd October 2020

SENTENCE

1. Mr. Eremasi Koroï and Mr. Sevuloni Rawainoka, both of you pleaded guilty to one count of Aggravated Robbery, contrary to Section 311 (1) (a) of the Crimes Act, which carries a maximum sentence of twenty years imprisonment. The particular of the offence is that:

Statement of Offence

AGGRAVATED ROBBERY: *Contrary to Section 311 (1) (a) of the Crimes Act 2009.*

Particulars of Offence

EREMASI KOROI and SEVULONI RAWAINOKA on the 21st day of August, 2020 at Nausori, in the Eastern Division, robbed one YOGESH KUMAR of cash of \$190.00, the property of YOGESH KUMAR.

2. Satisfied by the fact that you have fully comprehended the legal effect of your plea and your plea was voluntary and free from influence, I now convict both of you to this offence of Aggravated Burglary.
3. According to the summary of facts, which you admitted in open court, both of you had boarded the taxi driven by the Complainant at about 6.30 p.m. on the 21st of August 2020, asking him to drop you at Duilomaloma Road. Mr. Koroï, you had seated in the front passenger seat while Mr. Rawainoka had seated in the back seat behind the Complainant. Both of you were drunk at that time. When the taxi reached the requested destination, Mr. Rawainoka grabbed the Complainant's neck from behind. Mr. Koroï had started to punch the Complainant on his face. While assaulting the Complainant in that manner, Mr. Koroï had collected the coins on the tray and robbed \$190.00 from the Complainant's pocket. Meanwhile, the Complainant managed to honk the horn of the taxi, alarming the neighbours. Two of you then fled the scene.
4. This is a case of robbing a taxi driver using violent force. Crimes of this nature are prevalent and have caused insecurity and vulnerability in society. Aggravated Robbery is the worst and serious form of property crime in this jurisdiction, which carries a maximum penalty of twenty years imprisonment. Therefore, I find this is a serious offence.
5. Because of the seriousness of this offence, it is my opinion that such offenders must be dealt with severe and harsh punishment. Therefore, the purpose of this sentence is founded on the principle of deterrence and protection of the community.
6. The tariff for offences of aggravated Robbery against providers of service of public nature, including taxi, bus, and van drivers, is 4 years to 10 years of imprisonment. (State v

Matagasau - Sentence [2019] FJHC 633; HAC17.2019 (28 June 2019), State v Rabalolo - Sentence [2019] FJHC 278; HAC429.2018 (29 March 2019),

7. Taxi drivers are vulnerably exposed to the danger of crimes of this nature due to the profession's nature. You have exploited his vulnerability to commit this crime. You had attacked and assaulted the Complainant when he had no prospect of escaping or seeking assistance. The impact of this offence on the Complainant must be a horrifying experience. A substantially high degree of violence had been inflicted on the Complainant, causing the Complainant the injuries, as stated in the Medical Examination Report. Accordingly, I find the level of culpability, and the harm is substantially high in this offending.
8. In your respective mitigation submissions, both of you highlighted your family and personal circumstances, which I do not find much mitigatory value.
9. Mr. Koroï, you have been reported with eleven previous convictions. All of them are for property related crimes. Hence, you are not entitled to any discount for your previous good character.
10. Mr. Rawainoka, you are a first offender. Hence, you are entitled to a discount for your previous character.
11. Both of you pleaded guilty to this offence at the first available opportunity. Hence, you are entitled to a substantive discount for your early plea.

Mr. Eremasi Koroï

12. Considering the seriousness of this offence, level of culpability and harm, the early plea of guilty, I sentence you to six (6) years of imprisonment.
13. Having considered the seriousness of this crime, this sentence's purpose, and your age, I find four (4) years of the non-parole period would serve the purpose of this sentence.

Hence, you are not eligible for any parole for four (4) years pursuant to Section 18 (1) of the Sentencing and Penalties Act.

Mr. Sevuloni Rawainoka

14. Having considered the seriousness of this offence, level of culpability and harm, your previous good character, and the early plea of guilty, I sentence you to five (5) years of imprisonment.
15. Having considered the seriousness of this crime, this sentence's purpose, and your age, I find three (3) years of the non-parole period would serve the purpose of this sentence. Hence, you are not eligible for any parole for three (3) years pursuant to Section 18 (1) of the Sentencing and Penalties Act.

Head Sentence

16. Accordingly, Mr. Eremasi Koroi, I sentence you to six (6) years imprisonment for the offence of Aggravated Robbery, contrary to Section 311 (1) (a) of the Crimes Act. Moreover, you are not eligible for any parole for four (4) years pursuant to Section 18 of the Sentencing and Penalties Act.
17. Mr. Sevuloni Rawainoka, I sentence you to five (5) years imprisonment for the offence of Aggravated Robbery, contrary to Section 311 (1) (a) of the Crimes Act. Moreover, you are not eligible for any parole for three (3) years pursuant to Section 18 of the Sentencing and Penalties Act.

Actual Period of Sentence

18. You have been in remand custody for this case for approximately two (2) months and five (5) days before the sentence as the court did not grant you bail. In pursuant to Section 24

of the Sentencing and Penalties Act, I consider two (2) months as a period of imprisonment that you have already served.

19. Accordingly, Mr. Eremasi Koroi, your actual sentencing period is **five (5) years and ten (10) months** of imprisonment period, with **three (3) years and ten (10) months** of non-parole period.
20. Accordingly, Mr. Sevuloni Rawainoka, your actual sentencing period is **four (4) years and ten (10) months** of imprisonment period, with **two (2) years and ten (10) months** of non-parole period.
21. Thirty (30) days to appeal to the Fiji Court of Appeal.




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Hon. Mr. Justice R.D.R.T. Rajasinghe

At Suva

23rd October 2020

Solicitors

Office of the Director of Public Prosecutions for the State.

Office of the Legal Aid Commission for the 1st Accused.

Office of the Legal Aid Commission for the 2nd Accused.