

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

CRIMINAL CASE NO. HAC 157 OF 2021

BETWEEN : STATE

AND : JOJI WISE

Counsel : Ms W Elo for the State
Ms T Kean for the Accused

Date of Hearing : 25 October 2021

Date of Sentence : 26 October 2021

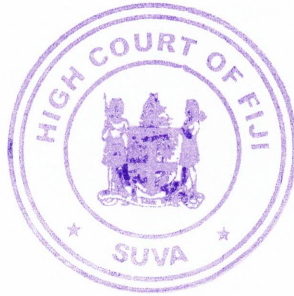
SENTENCE

- [1] The Accused has of his own free will pleaded guilty to charges of aggravated burglary and theft.
- [2] The facts are that on 18 August 2021 the Accused in the company of another entered into the property of Novotel Hotel and stole two water dispensers the property of Novotel Hotel. The Accused was arrested and interviewed under caution. He admitted the allegations. The dispensers were recovered from the Accused's grandmother's home.
- [3] The Accused is 18 years of age. After completing Year 12 last year he was enrolled for vocational studies (Year 1 Automotive & Engineering) at Ratu Kadavulevu School this year.
- [4] The commission of the offences is out of character for the Accused. He resides in a settlement in Lami with his parents. His father works at a cement factory and

his mother is a stay home mum. He is the eldest of the three siblings. He offended while his school was closed due to Covid.

- [5] The Accused is remorseful. He intends to continue with his studies. His early guilty plea has saved court's time and resources.
- [6] The maximum penalty for aggravated burglary is 17 years imprisonment. The acceptable range is 18 months to 3 years imprisonment (*State v Sauvakalia* [2013] FJHC 520; HAC132.2010 (9 October 2013)). The maximum penalty for theft is 10 years imprisonment. The tariff depends on the nature of theft, but it can range from 2 months to 3 years imprisonment (*State v Saukilagi* [2005] FJHC 13; HAC0021X.2004S (27 January 2005)). Both offences are part of the same transaction. An aggregate sentence is appropriate.
- [7] The mitigating factors are the Accused's early guilty plea, genuine remorse, youth and previous good character. The stolen water dispensers have been recovered. The Accused was kept in police custody for three days before he was granted bail.
- [8] The statutory aggravation is that the burglary was committed in the company of another person. The offence is prevalent in our community and the need for general deterrence is greater. However, I am mindful that the Accused is very likely to rehabilitate if he is given a chance.
- [9] The Accused is convicted and sentenced to an aggregate term of 18 months' imprisonment. I have decided to suspend the sentence for 2 years for the following special circumstances:
- The Accused is a young first time offender.
 - He cooperated with the police and his remorse is genuine.
 - He has accepted responsibility for his crime.
 - There was no use of physical violence on any person.
 - The chances of rehabilitation is high.

[10] The Accused is advised that if he reoffends during the operational period of his suspended sentence he may have to serve the term of 18 months or part of it in prison.



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

Hon. Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for the State

Legal Aid Commission for the Accused