

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

Criminal Case No.: HAC 23 of 2021

BETWEEN : STATE

AND : 1. SUNIA TAMADILEWA
2. TEVITA ROKOQICA

Counsel : Ms J. Fatiaki for the State
Accused in Person

Dates of Hearing : 19 November 2021

Date of Sentence : 19 November 2021

SENTENCE

1. On 26 February 2021, the two Accused in the company of each other broke into the Office of the Digicel Fiji Limited at Dreketi and stole an Alcatel brand mobile phone. They were arrested and charged with aggravated burglary and theft. The stolen phone was sold and not recovered. Both have pleaded guilty to the charges at the first opportunity, consistent with their confessions to police.
2. Both Accused are 20 years old and unemployed. The first Accused has previous convictions for similar offences while the second Accused is a first time offender. However, both have saved court's time and resources by pleaded guilty early. Both say they are remorseful.
3. The offences are objectively serious. Aggravated burglary is punishable by 17 years imprisonment. The statutory aggravation is that the burglary was committed in the

company of another. The tariff range from 18 months to 3 years imprisonment. Theft is punishable by 10 years imprisonment.

4. Burglary and theft are prevalent in our community. The main purpose of sentence for burglary and theft is deterrence, both special and general.
5. I consider an aggregate sentence is appropriate. Both offences are part of one transaction.
6. An aggregate term of 18 months imprisonment is appropriate in all circumstances of the case. Both Accused have been in custody on remand for about 8 months. I further reduce their terms of imprisonment by 8 months.
7. The first Accused (Sunia Tamaidilewa) committed the offences during the operational period of suspended sentence he was serving at the time for similar offences. Clearly, he has not responded to suspended sentence to rehabilitate himself. In his case, an immediate prison sentence is appropriate for the purpose of individual deterrence.
8. The second Accused (Tevita Rokoqica) is a young and a first time offender who has taken responsibility for his crime by pleading guilty early. His remorse is genuine. He is likely to rehabilitate if given a chance. These are special circumstances to suspend his sentence.
9. The first Accused is convicted and sentenced to an aggregate term of 10 months imprisonment.
10. The second Accused is convicted and sentenced to an aggregate term of 10 months imprisonment suspended for 2 years.



Hon. Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for the State
Accused in Person

