

IN THE HIGH COURT OF FIJI

AT SUVA

APPELLATE JURISDICTION

CRIMINAL APPEAL NO: HAA 025 OF 2025

BETWEEN : **KINIJOJI TUIVONOVONO**

APPELLANT

AND : **STATE**

RESPONDENT

Date of Judgment : **4 September 2025**

JUDGMENT


(Summary Dismissal)

- [1] On 15 May 2025, the Appellant was sentenced to 1½ years' imprisonment after pleading guilty to unlawful possession of 0.4488 grams of Methamphetamine in the Magistrates' Court at Suva.
- [2] The drugs were seized from the Appellant's residence at Howell Road, Suva, by police with the assistance of a K9 unit on 1 April 2025. The drugs were concealed in a Ziplock bag inside the toilet bowl. At the time, the Appellant and his wife were operating a shop from their residence. Tests confirmed the seized substance was an illicit drug—Methamphetamine.
- [3] On 13 June 2025, the Registry received a Notice from the Appellant appealing his sentence. His primary complaint is that the sentence is manifestly harsh and excessive. His other complaints are:
- The starting point was selected from the higher end of the tariff.
 - The Appellant is a first-time offender.

- Only a 6-month discount was granted for mitigating factors.

- [4] After reviewing the record of proceedings in the Magistrates' Court, I am satisfied that this appeal does not warrant a reduction in sentence.
- [5] Methamphetamine is a hard and dangerous illicit drug, and Fiji is currently facing an unprecedented social crisis due to those involved in drug-related activities. The Court's duty is to prevent this menace from escalating into an uncontrollable pandemic.
- [6] The Appellant's sentence reflects this primary objective. A three-year starting point for nearly 0.5 grams of Methamphetamine falls within the acceptable range of the sentencing tariff for this drug. A one-year reduction was applied for the guilty plea, and a further six months for mitigating factors—despite the Appellant having five spent previous convictions, including burglaries and robbery with violence. The concealment of the drugs in the toilet bowl indicates premeditation, and it required a trained police sniffer dog to detect the drugs. Fortunately, the Magistrate did not adjust the sentence for this aggravating factor. Had he done so, the sentence would have been higher.
- [7] The appeal is summarily dismissed pursuant to section 251 of the Criminal Procedure Act.
- [8] The Registry is directed to serve a copy of this judgment to the Appellant and the Office of the Director of Public Prosecutions.




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Hon Mr Justice Daniel Goundar

Solicitors:

Appellant in Person

Office of the Director of the Public Prosecutions for the State