

IN THE HIGH COURT OF FIJI
AT LABASA
CRIMINAL JURISDICTION

Criminal Case No: HAC 99 of 2024

STATE

V

JIMI RIDO

Counsel : **Ms E Thaggard for the State**
: **Ms A Sumer for the Accused**

Sentencing Hearing : **6 March 2026**
Date of Sentence : **13 March 2026**

SENTENCE

1. Mr Jimi Rido, on 15 January 2026, you were convicted after trial before this Court of the following three counts of sexual offending against your 14-year-old step-granddaughter, who I shall refer to as V in these sentencing remarks:
 - (i) Sexual Assault, contrary to section 210 (1) (b) of the Crimes Act 2009, the particulars being that, between 1 May 2024 to 31 May 2024, at Labasa in the Northern Division, you unlawfully and indecently assaulted V by touching her vulva (count 1);
 - (ii) Rape, contrary to section 207 (1) and (2)(b) of the Crimes Act 2009, the particulars being that, on 2 June 2024, at Labasa in the Northern

Division, you penetrated V's vagina with your finger without her consent (count 2);

(iii) Indecent Assault, contrary to section 212 (1) of the Crimes Act 2009, the particulars being that, on 6 June 2024, at Labasa in the Northern Division, you unlawfully and indecently assaulted V by touching her thighs (count 3).

2. The facts may be shortly stated.
3. In December 2023, together with her parents and siblings, V went to live with you and her maternal grandmother in a one-bedroom house in Cawaira ("the family home"). During the month of May 2024, V was off school with a swollen leg. You took advantage of being home alone with V to sexually assault her by touching her naked vulva as she lay in bed in the sitting room. V complained to her mother who, in turn, informed her own mother about your offending.
4. On 2 June 2024, V returned to the family home from a neighbour's birthday party to collect ice cream. You were home alone and took advantage of the opportunity to digitally rape V. Again, V complained to her mother, and there were family discussions.
5. Despite those discussions, on 6 June 2024, yet again you indecently assaulted V by touching her thighs. This caused a family rift and the family home was partitioned.
6. Eventually, a report was made to the police. You were excluded from the family home as a condition of bail. V and her family returned to their home in Nadi.
7. At the time of the alleged offending, you were 76 years of age and the complainant was 14 years old.

Prosecution sentencing submissions

8. The prosecution relies on written submissions dated 29 January 2026. A Victim Impact Assessment Report was filed on 27 February 2026.
9. The statutory maximum sentence for rape is life imprisonment. The relevant guideline judgment provides that the sentencing range for rape of a child is 11 to 20 years' imprisonment. The statutory maximum sentence for indecent assault is 5 years' imprisonment, with an established sentencing range from 12 months imprisonment to 4 years' imprisonment. The statutory maximum sentence for sexual assault is 10 years' imprisonment, with an established sentencing range of 2 to 8 years' imprisonment.
10. The prosecution submits that your offending is made more serious because of the domestic context giving rise to a gross breach of trust, and because your offending was sustained over the course of several weeks.

Defence sentencing submissions

11. The defence relies on written submissions dated 5 March 2026, and Ms Sumer made oral submissions on your behalf at the sentencing hearing.
12. By way of background, I am informed that you are a 77-year-old married man. You suffer various ailments, including hypertension, pulmonary edema, shortness of breath and occasional palpitations.
13. You have no previous convictions and are said to be of previous good character. I have read a letter dated 2 March 2026 from the Reverend Joseph George Abonio vouching that you are a great mentor to your children and to all church members.
14. Understandably, the main thrust of Ms Sumer's plea in mitigation is your advanced age and ill-health. In support of her submission that there are special sentencing principles applicable to elderly offenders, Ms Sumer cited

Shameem J's *dicta* in *Rokota v The State* [2002] FJHC 168; HAA 0068J.2002S (23 August 2002) that:

“Recognition of age as a mitigating factor does not mean that imprisonment should never be imposed on elderly offenders, and the Court has upheld sentences of imprisonment on men in their seventies. It is however a long-established principle that a sentence should normally be shortened so as to avoid the possibility that the offender will not live to be released.”

15. Ms Sumer also quoted extensively what was said by the Court of Appeal in the more recent guideline judgment for the setting of minimum terms in murder and attempted murder cases: ***Vuniwai v State*** [2024] FJCA 100; AAU 176.2019 (30 May 2024).

Discussion and disposal

16. Sexual offending against children is sadly all too prevalent in our society. Increasingly severe sentences handed down by our courts in recent years have seemingly failed to deter those who are minded to sexually abuse children. It might be argued that such lascivious reprobates amongst us cannot be deterred by condign punishment. The unpalatable reality may well be that such people are simply incorrigible.
17. In determining a just and proportionate sentence in this case, I have considered the purposes of sentencing, as set out in section 4 of the Sentencing and Penalties Act 2009, including those specifically relating to offences of domestic violence. I consider it particularly important in cases such as this for the sentence imposed to adequately signify that the court and the community denounce the commission of sexual offending against children.
18. Since your persistent offending against a single victim took place over a relatively short period, I consider it appropriate to impose an aggregate sentence reflecting the totality of your offending behaviour.

19. I take 12 years' imprisonment as the starting point for the aggregate sentence to reflect the objective seriousness of your offending across all three counts. Balancing the aggravating and limited mitigating factors, I adjust the starting point upwards to 15 years' imprisonment. The factors that make your offending more serious, notably your gross breach of trust, outweigh your available mitigation by a considerable margin.
20. I do not consider that your advanced age and state of health have any value in mitigation. It is the experience of this Court that serious sexual offending against children by elderly and infirm men is prevalent in the community. In my view, the imperative to protect our children against the lascivious attentions of morally bankrupt old men requires sentencing courts to cast aside any qualms that elderly offenders may not outlive appropriate sentences.
21. It is important to acknowledge that sentencing principles are not preserved in aspic. In the not too distant past those who sexually abused children were given sentences that would be considered indefensibly lenient in this day and age. In an ageing society in which old men prey on vulnerable children, it is my considered view that the long-established principle that a sentence should normally be shortened so as to avoid the possibility that the offender will not live to be released must be consigned to legal history.
22. In *Vuniwai*, the Court set out how and why advanced age might influence a sentencing decision. It also set out some key points against taking advanced age as a significant factor in setting minimum terms in murder cases:
 - (i) The need to deliver justice for the victim can outweigh considerations of the offender's advanced age;
 - (ii) Regardless of age, individuals must be held fully accountable for heinous crimes. Allowing age to significantly mitigate the sentence could be seen as undermining the gravity of the offence;
 - (iii) Sentences should be consistent and fair, ensuring that all individuals, regardless of age, are subject to the same legal standards. Making

significant allowances for age could create disparities and perceptions of inequality;

- (iv) Reducing sentences for elderly offenders could set a precedent that might be seen as unjust or overly lenient, potentially leading to challenges in future cases;
 - (v) Leniency based on age might weaken the deterrent effect of the legal system, suggesting that older individuals could commit serious crimes with less severe consequences. Ensuring that even elderly offenders receive appropriate sentences serves to reinforce the message that serious crimes will be met with serious consequences;
 - (vi) The public's confidence in the justice system can be undermined if it appears that older offenders receive undue leniency. Ensuring that sentences reflect the seriousness of the crime helps maintain trust and respect for the legal system;
 - (vii) The justice system must ensure that society is protected from individuals who have committed serious crimes;
 - (viii) The principle of retributive justice emphasizes that offenders deserve to be punished in proportion to the severity of their crimes. Age should not significantly diminish the punitive aspect of sentencing for severe offences;
 - (ix) The rights and perspectives of victims and their families are paramount;
 - (x) They may view a lenient sentence due to the age as insufficient justice for the harm inflicted.
23. These observations were made in the context of sentencing for murder but, in my view, carry equal force in cases of serious sexual offending against children.

24. I fix your non-parole period at 10 years, which I consider reflects the appropriate punitive element of your sentence, and also provides a reasonable incentive for rehabilitative efforts on your part.
25. You have been in custody pending disposal of this matter since you were convicted on 15 January 2026. A period of 2 months is to be regarded as a period of imprisonment that you have already served.
26. Accordingly, the remaining time you must serve before being eligible to be released on parole is 9 years 10 months.
27. Mr Jimi Rido, for the reasons I have explained, the sentence I impose is 15 years' imprisonment, less the time you have already served on remand. Your non-parole period is 9 years 10 months from today.
28. You may appeal to the Court of Appeal within 30 days.



A handwritten signature in black ink, appearing to be "H. Burney", written over a horizontal dotted line.

Hon. Mr Justice Burney

At Labasa

13 March 2026

Solicitors

**Office of the Director of Public Prosecutions for the State
Office of the Legal Aid Commission for the Accused**