

**IN THE MAGISTRATES' COURT OF FIJI AT
NASINU**

Criminal Case No: - 297 of 2025

STATE

V

ATUNAIISA MUDUNAVOUNU VULOKO

For the Prosecution : PC Buli
For the Accused : Ms. Sanjana Chand (LAC)
Date of Sentence : 02nd of April 2025

SENTENCE

1. **ATUNAIISA MUDUNAVOUNU VULOKO**, you have been charged with one count of Robbery contrary to Section 310(1)(a)^{b/c}(1) of the Crimes Act ¹
2. You have entered a plea of guilty to this charge and have further admitted the summary of facts as presented by the prosecution.
3. According to the agreed summary of facts, the offence was committed on 17th February 2025 at Coloisuva Forest Park. The complainant, a 74-year-old Italian national visiting Fiji with her partner for holiday, was photographing a waterfall using her iPhone.
4. You approached the complainant from behind, covered her mouth, forcibly seized her bag and mobile phone, and ran away from the scene. The incident was subsequently reported to the police post located within the park by the victim.
5. You were apprehended at the Valelevu Market stall while attempting to sell the stolen mobile phone. The stolen bag was also recovered.
6. I am satisfied that your plea of guilty is entered voluntarily and unequivocally. Accordingly, I find you guilty of the offence as charged.
7. Pursuant to the Crimes Act, the statutory maximum penalty for the offence of robbery is imprisonment for a term of 15 years.

¹ No. 44 of 2009.

8. In *State v Tawake*², his Lordship Justice Brian Keith established a revised sentencing tariff for street mugging offences. His Lordship observed that:

“There is no need to identify different levels of culpability because the level of culpability is reflected in the nature of the offence, and if the offence is one of aggravated robbery, which of the forms of aggravated robbery the offence took. When it comes to the level of harm suffered by the victim, there should be three different levels. The harm should be characterized as high in those cases where serious physical or psychological harm (or both) has been suffered by the victim. The harm should be characterized as low in those cases where no or only minimal physical or psychological harm was suffered by the victim. The harm should be characterized as medium in those cases in which, in the judge’s opinion, the harm falls between high and low.”

9. The Supreme Court of Fiji suggested the following starting points based on the harm caused to the victim :

ROBBERY (OFFENDER ALONE AND WITHOUT A WEAPON)

HIGH

Starting point: 5 years imprisonment

Sentencing range: 3-7 years

MEDIUM

Starting point: 3 years imprisonment

Sentencing range: 1-5 years imprisonment

LOW

Starting point: 18 months imprisonment

Sentencing range: 6 months-3 years imprisonment

² [2022] FJSC 22; CAV0025.2019 (28 April 2022).

10. Considering that you acted alone and that no weapon was employed in the commission of the offence, I shall apply the sentencing tariff as articulated in paragraph 07 of the *State v Tawake* judgment.
11. Furthermore, in the absence of evidence indicating that the complainant sustained any injuries during the incident, I determine that a starting point of **18 months' imprisonment** is appropriate for the offence.
12. The Supreme Court in *State v Tawake* identified following aggravating and mitigating factors relevant to the assessment of sentences for robbery offences.

- **The aggravating factors**

- i. **Significant planning**
- ii. **Prolonged nature of the robbery**
- iii. **Offence committed in darkness**
- iv. **Particularly high value of the goods or sums targeted**
- v. **Victim is chosen because of their vulnerability (for example, age, infirmity or disability), or the victim is perceived to be vulnerable**
- vi. **Offender taking a leading role in the offence where it is committed with others**
- vii. **Deadly nature of the weapon used where the offender has a weapon**
- viii. **Restraint, detention or additional degradation of the victim, which is greater than is necessary to succeed in the robbery**
- ix. **Any steps taken by the offender to prevent the victim from reporting the robbery or assisting in any prosecution**

The mitigating factors

- I. **No or only minimal force was used**
- II. **The offence was committed on the spur of the moment with little or no planning**
- III. **The offender committed or participated in the offence reluctantly as a result of coercion or intimidation (not amounting to duress) or as a result of peer pressure**

- IV. **No relevant previous convictions**
- V. **Genuine remorse evidenced, for example, by voluntary reparation to the victim**
- VI. **Youth or lack of maturity which affects the offender's culpability**
- VII. **Any other relevant personal considerations (for example, the offender is the sole or primary carer of dependent relatives, or has a learning disability or a mental disorder which reduces their culpability)**

13. The items stolen, namely an iPhone and eyeglasses, have a total value of **\$2,164**, which constitutes a substantial amount. Additionally, the victim, a 74-year-old visitor to Fiji, was targeted while visiting *Coloisuva Forest Park*, a well-known tourist destination in the country. The fact that the offence was committed at a popular tourist site is an aggravating factor, as it has broader implications for the country's reputation as a safe destination for visitors. Taking these aggravating factors into account, I increase your sentence by **18 months**, resulting in a total sentence of **36 months' imprisonment**.
14. In written mitigation, your counsel has submitted that you are **19 years old**, single, and have no prior convictions. Furthermore, the summary of facts indicates that the stolen items were recovered. Taking these mitigating factors into consideration, I reduce the sentence by **6 months**, resulting in a revised sentence of **30 months' imprisonment**.
15. In *Vilimone v State*³, the Court held that where an accused pleads guilty at the earliest available opportunity, the sentence should be reduced by one-third. In your case, you pleaded guilty after obtaining legal advice, which demonstrates a willingness to accept responsibility and a genuine expression of remorse. Accordingly, I reduce the sentence by **10 months**, resulting in a further reduced sentence of **20 months' imprisonment**.
16. It is noted that you have been held on remand for this matter since **19th February 2025**. Pursuant to Section 24 of the *Sentencing and Penalties Act*⁴, the period spent in remand must be deducted from the sentence. Therefore, a further reduction of **1 month** is applied in this case, resulting in a final sentence of **19 months' imprisonment**.
17. I now turn to the issue of whether your sentence should be suspended, either wholly or partially.⁵

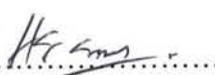
³ [2008] JHC 12; HAA 131-132.2007 (8 February 2008).

⁴ No 42 of 2009.

⁵ s 26(2)(b), Sentencing and Penalties Act .

18. Your counsel has submitted *Narvia v State* [2006] FJHC 6; HAA0148J.2005S (9 February 2006)⁶, wherein the Court emphasized that every effort must be made to keep young first-time offenders out of prison. I am mindful that you are a young, first-time offender, and that rehabilitation and reintegration are important considerations in sentencing.
19. However, I must also consider the fact that you targeted visitors to Fiji, which has broader implications for the country's tourism industry. Fiji is renowned for its beautiful beaches and the warm hospitality of its people. Tourists visit to experience the natural beauty and cultural richness of Fiji, contributing significantly to the nation's economy. Offenses of this nature convey a negative image to the world, suggesting that the country is unsafe for tourists. It is therefore necessary to impose a custodial sentence to denounce your conduct and to send a clear message to others who may consider preying upon visitors to the country.
20. I also accept the submission by your counsel that you require an opportunity for rehabilitation. A wholly custodial sentence would not facilitate your reform and reintegration into society.
21. Therefore, I find that a **partially suspended sentence** is appropriate in this case.
22. **ATUNAIISA MUDUNAVOUNU VULOKO**, you are hereby sentenced to **19 months' imprisonment**. Of this period, you are to serve **9 months' imprisonment**, with the remaining **10 months suspended for a period of 3 years**.
23. Partly suspended sentence is explained to the accused.
24. 28 days to appeal.




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Shageeth Somaratne [Mr.]
Resident Magistrate

⁶ [2008] JHC 12; HAA 131-132.2007 (8 February 2008).