

IN THE MAGISTRATES' COURT OF FIJI AT
SUVA

Criminal Case No: 209/2025
EJ No: 11/2025

STATE
V
EPINERI HENRY LOTI MOKIA RATAWA

For the Prosecution: Mr.L.Tuivuya(ODPP)

The Accused: In Person

Date of Sentence: 23rd of July 2025

SENTENCE

1. EPINERI HENRY LOTI MOKIA RATAWA, you pleaded guilty to one count of Aggravated Robbery contrary to Section 311(1) (b) of the Crimes Act.¹
2. It was established through admitted summary of facts that you committed this offence on 02nd February 2025 at Suva. The complainant was returning from home from a friend's place and noticed you following him. Moments later, you hit the complainant from the back using 4x2 timer rendering him unconscious. After that, you stole his Samsung mobile phone, a JBL music box, assorted cards and a cash of \$200.00, the properties of the complainant. After regaining conscious, the complainant reported the matter to the police and medically examined at CWM Hospital. You were arrested later and admitted to the police of committing this offence.
3. I am satisfied that your plea of guilty is entered voluntarily and unequivocally. Accordingly, I find you guilty of the offence as charged.
4. Pursuant to Section 311 of the Crimes Act the statutory maximum penalty for the offence of Aggravated Robbery is imprisonment for a term not exceeding 20 years.
5. In State v Tawake², the Supreme Court of Fiji suggested the following starting points based on the harm caused to the victim for Aggravated Robbery (offender either with another or with a weapon) :

HIGH

Starting point: 7 years imprisonment

Sentencing range: 5-9 years

MEDIUM

¹ No. 44 of 2009.

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

Starting point: 5 years imprisonment

Sentencing range: 3-7 years imprisonment

LOW

Starting point: 03 years imprisonment

Sentencing range: 1-5 years imprisonment

5. His Lordship Justice Brian Keith who introduced this new tariff in State v Tawake observed that:

“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.”

6. The first issue for determination by the Court is the appropriate sentencing range and corresponding starting point for the offence committed by the accused persons in this case considering the harm caused to the victim.

7. The Prosecution, in their sentencing submissions, contended that given the victim sustained minimal injuries, the harm suffered can be classified as low in gravity. Accordingly, the Prosecution submitted that a sentencing range of 1 to 5 years’ imprisonment is appropriate, with a starting point of 3years.

8. After perusing the medical report of the victim, I concur with this argument by the Prosecution and select 03 years as the starting point of your sentence.

9. 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)**

10. The Prosecution asked the court to take in to consideration the following as aggravating factors:

- a. **The complainant was a vulnerable victim given that he was unarmed and attack from behind.**
- b. **The complainant sustained injures.**
- c. **The accused had an offensive weapon upon committing this offence.**
- d. **The accused persons paid scant regard to the privacy and safety of the complainant.**
- e. **The offence is prevalence.**

11. Upon consideration of the relevant factors, I find that the aggravating factors in this case are that the offence was committed during the night and the victim was attacked on his head with a timber which is a vulnerable place in the body.

12. The injuries sustained by the victim have already been taken into account when determining the starting point of the sentence as well as the sentencing range. The use of an offensive weapon offence is an element of aggravated robbery and, therefore, do not constitute separate aggravating factors. The prevalence of this type of offence, while concerning, does not in itself amount to an aggravating factor. It is implicit that individuals who commit robbery demonstrate a disregard for the safety of their victims and cannot be accepted also as aggravating factor.

13. In view of the aggravating factors identified, I enhance the sentence by two (2) years.

14. With respect to mitigation, you submitted that you are 19 years old, in a de-facto relationship with a small child and seeking forgiveness.

15. The Prosecution has confirmed that you have prior convictions. Taking these mitigating factors, I reduce the sentence by two (2) years, resulting in an adjusted term of imprisonment of three (3) years.

16. You have pleaded guilty early. This has saved the time and resources of the court as well as the Prosecution. For this early guilty plea, giving full credit, I deduct 1/3 from the sentence to reach 02 years imprisonment.

17. Now I consider whether to suspend your sentences as per the Sentencing and Penalties Act.³

18. It is common to witness innocent individuals being robbed on the streets in Fiji as reported in news and social media. Such offences cause lasting psychological trauma to victims and instill fear in members of the public, discouraging them from moving freely in public spaces. The need to protect the public and impose deterrent sentences for such conduct is imperative, even though the offenders are young and first-time offenders.

19. However, I am of the view that given your young age and remorse as shown through the early guilty plea, there exists a need to afford you an opportunity to reform. Imposing the full term of a two year custodial sentence may not serve the purpose of rehabilitation. A partly suspended sentence, would be more appropriate to facilitate your reformation.

20. Accordingly, EPINERI HENRY LOTI MOKIA RATAWA I sentence you to term of two (2) years imprisonment. From that 01 year you need to serve in correction center and balance period (12 months) to be suspended for 03 years.

21. The partly suspended sentence is explained to the accused.

22. The parties may appeal this sentence to the High Court within 28 days.



³S26(2)(b), No 42 of 2009.