

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

Criminal Case No.: HAC 29 of 2021

BETWEEN : STATE

AND : 1. EPI SUNA NACUVA
2. IOWANI KURUVAKARUA TUKAI

Counsel : Ms J. Fatiaki for the State
Ms M. Tuiloma for the Accused

Dates of Hearing : 18 November 2021

Date of Sentence : 19 November 2021

SENTENCE

1. On 3 April 2021, the two Accused in the company of each other broke into the home of Ravin Chand at Delaivuna, Taveuni and stole several items of groceries. Entry to the house was gained by removing the louver blades from the window and forcefully opening the grill.
2. The following day the two Accused were arrested and charged with aggravated burglary and theft. They have pleaded guilty to the charges at the first opportunity. With their cooperation police recovered some stolen items.
3. Both Accused are 19 years old and unemployed. They assist their family with farming.

4. The mitigating factors are their early guilty pleas, cooperation with police in the partial recovery of stolen items, young age and their previous good character. Court's time and resources have been saved by their guilty pleas.
5. The statutory aggravation is that the burglary was committed in the company of another. The maximum penalty for aggravated burglary is 17 years imprisonment. The tariff is 18 months to 3 years imprisonment (*Leqavuni v State* [2016] FJCA 31; AAU0106.2014 (26 February 2016)).
6. The aggravating factors are that a home was burgled and the offence is prevalent in our community. The main purpose of sentence is deterrence, both special and general.
7. The offences are part of one transaction. An aggregate sentence is appropriate. I pick 2 years as a starting point. I adjust the sentence for the mitigating and aggravating factors and arrive at a term of 18 months imprisonment.
8. Both Accused are convicted and sentenced to 18 months imprisonment. I have considered suspension and decided to suspend the sentence. Both Accused have spent 7 ½ months in custody on remand. They are young and have accepted responsibility for their criminal conduct by pleading guilty. Their remorse is genuine. These are special circumstances to suspend the term of imprisonment for 2 years.



Hon. Mr Justice Daniel Goundar

Solicitors:

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