

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

Crim. Case No: HAC 133 of 2023

BETWEEN: STATE

PROSECUTION

A N D: JONE MAWI

ACCUSED PERSON

Counsel : Ms. K. Dugan for the State
Ms. R. Nabainivalu for Accused

Date of Sentence : ^{12th}
~~06th~~ July 2023

BT

SENTENCE

1. Mr. Jone Mawi, you pleaded guilty to one count of Aggravated Robbery, contrary to Section 311 (1) (b) of the Crimes Act, which carries a maximum penalty of life imprisonment. The particulars of the offence are:

COUNT 1

Statement of Offence

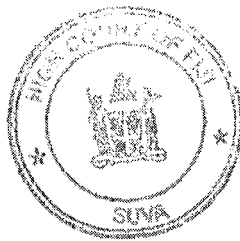
AGGRAVATED ROBBERY: *Contrary to Section 311 (1) (b) of the Crimes Act 2009.*

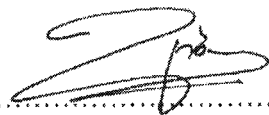
Particulars of Offence

JONE MAWI on the 9th day of April 2023, at Nakasi in the Central Division, being armed with a cane knife, stole 1 x I-Phone Pro 12 and \$1000 cash from MEILIAN LUO.

2. Satisfied that you have fully comprehended the legal effect of your plea and that your plea was voluntary and free from influence, I now convict you of this offence of Aggravated Robbery.
3. According to the Summary of Facts you admitted in Court, you approached the Complainant when she got out of the car near the cemetery. She had come to the cemetery with her family to visit her grandmother's graveyard. You initially offered your help which they declined. You then grabbed the handbag of the Complainant. When she resisted pulling it back, you took a cane knife and threatened her with it. You then grabbed the handbag and fled the scene.
4. You robbed the Complainant while she was in a public place. This is a crime of street mugging or a less sophisticated form of aggravated robbery. Crimes of this nature are prevalent and have created insecurity and vulnerability in society. Therefore, I find this is a serious offence.
5. Because of this offence's seriousness, I believe such offenders must be dealt with severe and harsh punishment. Therefore, the purpose of this sentence is founded on the principle of deterrence and protection of the community.
6. The Summary of Facts does not reveal that the Complainant had suffered any injuries. Hence, the level of harm falls within the low range. You carried out this offence using an offensive weapon. Accordingly, the starting point is three (3) years imprisonment, and the sentencing range is one (01) to five (05) years imprisonment. (**State v Tawake [2022] FJSC 22; CAV0025.2019 (28 April 2022)**)

7. The stolen items have been recovered. As per the summary of facts, this is an opportunistic crime. You are 26 years old and a first offender. Hence, you are entitled to a discount for your previous good character. Moreover, showing your remorse, you pleaded guilty to this offence at the first opportunity. Therefore, you are entitled to a further discount for your early plea of guilty.
8. Considering the above reasons, I sentence you to 24 months imprisonment. Your sentence is partially suspended, where you shall serve 12 months of your sentence instantly, and the remaining 12 months are suspended for three years. Considering the time spent in custody (nearly two months), I consider two (02) months as a period of imprisonment you have already served. Accordingly, you have to serve in custody for ten (10) months imprisonment.
9. If you commit any crime during three (3) years and are found guilty by the Court, you are liable to be charged and prosecuted for an offence according to Section 28 of the Sentencing and Penalties Act.
10. Thirty (30) days to appeal to the Fiji Court of Appeal.




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Hon. Mr. Justice R. D. R. T. Rajasinghe

At Suva

06th July 2023

12th

Solicitors

Office of the Director of Public Prosecutions for the State.

Office of the Legal Aid Commission for the Accused.