

IN THE HIGH COURT OF FIJI
AT LABASA
CRIMINAL JURISDICTION

Criminal Case Nos: HAC 06 of 2025;
HAC 07 of 2025; HAC 09 of 2025; HAC 10 of 2025

STATE

V

TIMOUTA RABETE BOGITINI

Criminal Case No: HAC 08 of 2025

STATE

V

TIMOUTA RABETE BOGITINI

EMITAI BOGITINI

Counsel : Ms E. Thaggard for the State
: Mr. I. Rusaqoli for both Accused

Date of Sentencing Hearing: 7 March 2025
Date of Sentence : 11 April 2025

SENTENCE

1. Mr. Timouta Bogitini, on 21 February 2025, you pleaded guilty to one count of aggravated burglary and one count of theft (HAC 06 of 2025), one count of aggravated robbery (HAC 07 of 2025), one count of aggravated burglary and

one count of theft (HAC 08 of 2025), one count of aggravated burglary and one count of theft (HAC 09 of 2025), and one count of aggravated burglary and one count of theft (HAC 10 of 2025).

2. On 7 March 2025, you admitted a summary of facts that satisfied the elements of each offence to which you had voluntarily pleaded guilty, and I convicted you as charged accordingly.
3. In brief summary, you embarked on a spate of aggravated domestic burglaries in December 2024. You burgled the premises of Ms. Devi on two separate occasions, and in each case personal belongings of significant value were stolen. On 31 December 2024, you burgled Mr. Prasad's house and stole items, including 10kg of dried yagona, which he had purchased for his son's wedding. In each case, the burgled premises were ransacked.
4. On 20 December 2024, between 7.30pm to 9pm, Ms. Wati was at home with her 4-year-old granddaughter. The dog was barking and she opened her door to check what the commotion was about. She saw an iTaukei boy drinking water from the tap beside the veranda. The boy asked about the whereabouts of her husband. Ms. Wati replied that he had gone somewhere and would return shortly, at which point you emerged armed with a cane knife. You walked directly to Ms. Wati and threatened to chop her and her granddaughter unless she gave you money. When she said that she had no money, you and your accomplice entered her house, ransacked the rooms, and stole various items, including a Samsung mobile phone, an I Pad and gold jewelry.
5. You now appear before me for sentencing.
6. The prosecution have filed comprehensive sentencing submissions outlining the relevant guideline judgments. It is submitted that the aggravated burglaries that you committed fall within the 'High' category within the relevant guideline, with a starting point of 7 years' imprisonment and a sentencing range of 5 to 10 years' imprisonment.

7. The prosecution further submits that there are a number of factors that make your offending more serious, including the fact that you committed several offences within a short period of time, your victims' homes were ransacked, Ms. Devi's home was targeted twice, and you have recent convictions for burglary and theft.
8. The prosecution submit that your offending falls within the 'Medium' category of the relevant guideline judgment for aggravated robbery. In light of the fact that you acted together with another and used a weapon to threaten Ms. Wati, the prosecution submit that the starting point is 7 years' imprisonment and the sentencing range is 5 to 9 years' imprisonment.
9. Your counsel has filed comprehensive written submissions and made further submissions on your behalf at your sentencing hearing.
10. Mr. Rusaqoli informs me that you are 21 years old, and are married with two children. You were working as a caretaker, and were the sole bread winner for your family. He also states that you are remorseful and, importantly, you pleaded guilty at the earliest opportunity.
11. In terms of the relevant guidelines, Mr. Rusaqoli submits that your aggravated burglary offending falls within the 'Low' category. He further submits that you also fall within the 'Low' category for aggravated robbery.

Discussion

12. The maximum sentence for aggravated burglary is 17 years' imprisonment. The maximum sentence for theft is 10 years' imprisonment, and the maximum sentence for aggravated robbery is 20 years' imprisonment.
13. In my judgement, the harm caused to the victims of your burglary and theft falls within the 'Medium' category of the relevant guideline. There are some factors indicating greater harm, and some factors indicating lesser harm. On balance, I am satisfied that these were medium harm burglaries.

14. The starting point for each of your burglaries, therefore, is 5 years' imprisonment.
15. Balancing the aggravating and mitigating factors, I consider that the appropriate aggregate sentence for each of your burglary and theft convictions is 5 years' imprisonment.
16. Whilst I am sure that Ms. Wati would have been traumatized by your offending, in the absence of any evidence that she suffered more than minimal psychological harm, I agree with defence counsel that the appropriate category for your aggravated robbery offence is 'Low'. The starting point is 5 years' imprisonment. Having said that, there must be an appropriate uplift to reflect the serious aggravating factor of the degree of sophistication in targeting a woman alone at home with a young child. I also view the threat to chop both Ms. Wati and her granddaughter to be a very serious aggravating factor. Balancing all the factors, the appropriate sentence is 7 years' imprisonment.
17. Were I to order all your sentences to run consecutively, the ultimate sentence before discount for plea would be one of 27 years' imprisonment. Clearly, that would be a crushing sentence. Sentencing principles require that I step back and make an appropriate adjustment to reflect the totality of your offending behaviour in December last year.
18. In my assessment, an overall sentence of 10 years' imprisonment before discount for plea would be just and proportionate. I achieve this result by taking the aggravated robbery as the lead offence and uplifting the sentence on that count to 10 years' imprisonment to reflect the totality of your offending. The other aggregate sentences shall run concurrently.
19. Your best mitigation is that you pleaded guilty to all charges at the earliest opportunity. You have saved the Court's time and resources. I reduce your sentence by one third to reflect your early pleas.

20. In the result, I sentence you as follows:
- (i) HAC 07 of 2025 – 6 years’ 8 months imprisonment
 - (ii) HAC 06 of 2025 - 3 years’ 4 months’ imprisonment concurrent
 - (iii) HAC 08 of 2025 – 3 years’ 4 months imprisonment concurrent
 - (iv) HAC 09 of 2025 – 3 years’ 4 months imprisonment concurrent
 - (v) HAC 10 of 2025 – 3 years’ 4 months imprisonment concurrent
21. I fix your non-parole period at 4 years 5 months.
22. You have been in custody pending the disposal of this matter since 31 December 2024. I round that period up to 5 months, which is to be regarded as a period of imprisonment already served.
23. Mr. Timouta Bogitini, you are sentenced to 6 years’ 3 months imprisonment. Your non-parole period is 4 years commencing today.
24. Mr. Emitai Bogitini, you stand to be sentenced for one count of aggravated burglary and one count of theft. You broke into Mr. Kishore’s house together with Timouta Bogitini and another young offender and stole various items.
25. On 25 February 2025, you pleaded guilty to aggravated burglary and theft as charged.
26. On 7 March 2025, you admitted a summary of facts that satisfied the elements of each offence to which you had voluntarily pleaded guilty, and I convicted you accordingly.
27. For the reasons explained above, the appropriate starting point is 5 years’ imprisonment.
28. On your behalf, Mr. Rusaqoli informs me that you are 29 years old. You are married with two children, and have another one on the way. He also informs me that you are remorseful and promise not to re-offend.

29. Mr. Rusaqoli quite rightly emphasises that your best mitigation is that you pleaded guilty at the earliest opportunity.
30. I do not consider that your previous convictions substantially aggravate your offending in this case.
31. Balancing these factors, I have concluded that a just and proportionate aggregate sentence is 4 years' imprisonment.
32. I reduce your sentence by one third to give credit for your early guilty pleas.
33. You are sentenced to 32 months' imprisonment, less the time you spent in custody, which I round up to 2 months.
34. In the result, I sentence you to 30 months imprisonment.
35. I have given careful consideration to whether I should suspend your sentence having regard to the fact that, at the age of 29 years, you are lightly convicted, and have apparently shown some insight into your offending behaviour.
36. Aggravated burglary is a serious offence. It can have significant psychological, emotional and financial effects on victims. Everyone should feel secure in their own home.
37. In order to deter those who may be minded to commit burglary, immediate custodial sentences are generally warranted.
38. I have decided by a fine margin that I may properly suspend your sentence.
39. Mr Emitai Bogitini, for the reasons that I have explained, you are sentenced to 30 months' imprisonment suspended for 2 years.
40. If at any time during the next 2 years you commit another offence punishable by imprisonment and are charged under section 28 of the Sentencing and Penalties Act 2009, if convicted, the court may impose a fine, and must restore

the sentence that I have imposed today unless exceptional circumstances make this unjust.

41. You may appeal to the Court of Appeal within 30 days.




Hon. Mr. Justice Burney

At Labasa

11 April 2025

Solicitors

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