

Between:

JOJI MATAITOGA

Appellant

and

REGINAM

Respondent

Appellant in Person

Mr. Vijay Maharaj for the Respondent

JUDGMENT

On 29th November 1979 the appellant was on his own plea convicted in the Suva Magistrate's Court on two counts; firstly for escaping from lawful custody at Lami on 28th November 1979 contrary to section 130 of the Penal Code and was sentenced to 21 months' imprisonment and secondly for damaging property contrary to section 360(1) of the Penal Code and was sentenced to 18 months' imprisonment. Both sentences were ordered to run consecutively and consecutively with his current prison term. The appeal is against sentence on the ground that it was harsh and excessive.

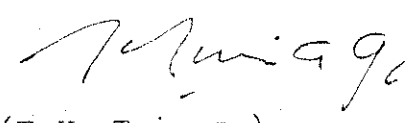
The appellant has sixteen previous convictions including four for escaping from lawful custody. But for the present offences he would have been due for release from prison in 1982. However, with the additional sentences which he has now incurred, the appellant would not (allowing for remission) be released until 1985.

The appellant is a young man who has now come to realise that he could not go on piling sentence after sentence on himself. He has shown great remorse for the errors of his ways and appears genuinely interested in turning a new leaf in life. I am satisfied that he ought to be assisted towards rehabilitating himself.

Apart from this I think the sentences passed on the appellant were too long particularly as these have been ordered to be served consecutively.

2.

I will allow the appeal and set aside the sentences passed on the appellant and substitute therefor 12 months' imprisonment on the first count and 6 months' imprisonment on the second count to run consecutively.



(T. U. Tuivaga)
Chief Justice

Suva,
20th June 1980.