

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**[CRIMINAL JURISDICTION]**

**Criminal Case No. HAC 369 of 2018**  
**[Magistrates' Court Criminal Case Number 1638 of 2018]**

**BETWEEN** : STATE

**AND** : SEMI SAULAKI

**Counsel** : Mr E Samisoni for the State  
Ms S Hazelman for the Accused

**Dates of Hearing** : 22 January 2019

**Date of Sentence** : 7 March 2019

**SENTENCE**

- [1] Semi Saulaki, you have pleaded guilty to a charge of aggravated robbery contrary to section 311(1) (b) of the Crimes Act after consulting your counsel. The Court finds your guilty plea to be informed and unambiguous. You are convicted as charged.
- [2] In sentencing you, I take into account your admitted facts. On 24 September 2018 at around 10 pm, you entered the home of a couple in Dokonaisuva settlement, armed with an empty beer bottle (long neck Fiji Bitter) and face covered with a t-shirt. When the couple confronted you inside their home, you tried to hit the husband with the bottle but it missed. You fled the scene with the wife's mobile phone that was left on the table. The husband ran after you and with the assistance of the neighbours apprehended and confined you until Police arrived. Under caution you made a full confession to Police. You voluntarily returned the mobile phone. You remained in custody on remand following your arrest.
- [3] Robbery is an offence that involves theft using force. Using a weapon to steal is a statutory aggravation. In assessing the objective seriousness of your offending I take into account the statutory aggravation. The tariff for aggravated robbery committed on homes is 8 – 16

on homes is 8 – 16 years' imprisonment (*Wise v State* [2015] FJSC 7; CAV0004.2015 (24 April 2015). I pick 8 years' imprisonment as a starting point.

- [4] I add 2 years to reflect the following aggravating factors:
- The offence was intrusive of the privacy and safety of the victims in their home.
  - You covered your face with cloth to conceal your identity.
- [5] Your guilty plea is early and consistent with your confession to Police. You saved court time and resources. For these factors, I give you a discount of 3 years.
- [6] You are 23 years old, a school dropout and a first time offender. For these factors I further reduce your sentence by 2 years.
- [7] You are sentenced to 5 years' imprisonment. The purpose of your sentence is to denounce your conduct, protect the community and deter you and others from engaging in anti-social behavior.
- [8] You seek an incentive to rehabilitate. You have expressed remorse by pleading guilty early. The victims were not physically harmed. This was not a planned targeted attack of a home. Your expression of remorse and previous good character leads me to conclude that there is some hope for reform. I decline to fix a non-parole period.
- [9] Your remand period is nearly 6 months. The balance of the term you have to now serve is 4 ½ years' imprisonment.
- [10] The recovered mobile phone is returned to the owner.

  
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**Hon. Mr Justice Daniel Goundar**



**Solicitors:**

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