

IN THE HIGH COURT OF FIJI

AT SUVA

[CRIMINAL JURISDICTION]

CRIMINAL CASE NO. HAC 146 OF 2023

BETWEEN : **STATE**

AND : **TUMATEU MOCEICA**

Counsel : Ms W Elo for the State
Ms N Chand for the Accused

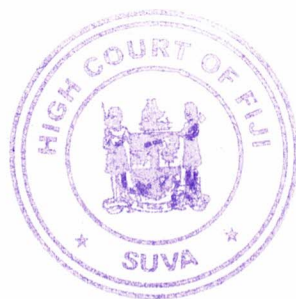
Date of Hearing : **21 August 2023**

Date of Sentence : **24 August 2023**

SENTENCE

- [1] The accused pleaded guilty to a charge of aggravated robbery at the first opportunity. He is 19 years old, single and casually works as a labourer to sustain himself.
- [2] The victim is a young man. He is 18 years old. He resides at Nakasi. On 23 April 2023, at about 6.30 pm, the victim got off a bus and was walking to his home when the accused and his accomplice confronted him. They pushed him from behind and one of the perpetrators then grabbed the victim's mobile phone before running away. The value of the mobile phone was about \$200.00. The incident was reported to police. The offenders were arrested and the phone was recovered from a third party who bought the phone. The accused made full admission in his caution interview.
- [3] The mitigating factors are that the accused is a young and a first time offender. He entered early guilty plea and saved the court's time and resources. He is remorseful. The stolen property had been recovered.

- [4] The maximum penalty for aggravated robbery is 20 years imprisonment. The nature of robbery is street mugging. The victim was not physically harmed. He did not sustain any injuries. Minimum force was used to steal. However, the offence was committed in dark and in the company of another which is a statutory aggravation.
- [5] I am mindful of the Tawake Guidelines and consider the level of harm to be low in this case.
- [6] I pick 3 years imprisonment as a starting point, add 6 months for the aggravating factor that the offence was committed in dark and deduct 2 years for the mitigating factors.
- [7] The accused is convicted and sentenced to 18 months imprisonment. I have considered suspension but have decided against it. Street mugging of mobile phones are too prevalent in our community. The offenders are mostly youths. Young age is not a licence to engage in this kind of anti-social behavior that is threatening public safety. The primary purpose of sentence is deterrence, both special and general.
- [8] The accused served 4 months in custody on remand. This period is considered term already served. The remaining term for the accused to serve is 1 year and 2 months imprisonment.
- [9] The recovered mobile phone is restored to the owner.



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Hon. Mr Justice Daniel Goundar

Solicitors:

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