

IN THE HIGH COURT OF FIJI
AT LABASA
CRIMINAL JURISDICTION

Criminal Case No: HAC 50 of 2025

STATE

V

KINIJOJI SAGOGO

Counsel : Mr. E. Kotoilakeba for the State
: Ms. S. Devi for the Accused

Sentencing Hearing : 9 July 2025
Date of Sentence : 18 July 2025

SENTENCE

1. On 25 June 2025, Mr. Sagogo (“the offender”) was arraigned on an Information alleging 3 counts of serious sexual offending against a 10-year-old child, who I shall refer to as “CC”:
 - (i) Sexual assault, contrary to section 210(1)(a) of the Crimes Act 2009, the particulars being that, on 22 April 2025, the offender unlawfully and indecently assaulted CC by touching her breasts (count 1);
 - (ii) A representative count of Rape, contrary to section 207(1) and 2(b) and (3) of the Crimes Act, the particulars being that, between 23 April 2025 to 25 April 2025, on more than one occasion, the offender penetrated the vulva of CC with his tongue (count 2):

- (iii) Rape, contrary to section 207(1) and 2(b) and (3) of the Crimes Act, the particulars being that, between 23 April 2025 to 25 April 2025, the offender penetrated CC's vagina with his finger (count 3).
2. The offender pleaded guilty.
 3. On 9 July 2025, the offender agreed a summary of facts proving the elements of the offences to which he pleaded guilty. Being satisfied that his pleas were properly informed, voluntary and unequivocal, I found the offender guilty as charged and convicted him accordingly.
 4. The facts may be briefly stated.
 5. CC and her 13-year-old brother live with their grandmother in the village whilst their mother works in Nadi and sends money to support them.
 6. CC and her brother often visited the offender's house after school, where he would let them play games and watch videos on his smart phone.
 7. CC went to the offender's house on 22 April 2025. When they were alone in his bedroom, he touched her breasts over her undergarments.
 8. On more than one occasion between 23 April to 25 April 2025, when she went to his house, the offender locked CC in his bedroom, removed her clothes and licked her vulva. On one occasion during this period, the offender inserted his finger into CC's vagina. He also took naked pictures of her on his phone.
 9. The matter came to light when CC visited her mother in Nadi in early May 2025. CC's brother informed their mother that he had seen inappropriate photos of CC on the offender's phone. CC told her mother what the offender had done to her, and the matter was reported at Namaka Police Station.
 10. The offender was arrested. He made full admissions when interviewed under police caution.

Prosecution sentencing submissions

11. The prosecution relies on written submissions dated 8 July 2025.
12. The relevant guideline judgments provide that the sentencing range for rape of a child is 11 to 20 years' imprisonment, and the range for sexual assault is 2 to 8 years' imprisonment.
13. The prosecution submits that the offending is made more serious because the complainant was particularly vulnerable, the wide disparity in age, and the repeated nature of his offending. Particular emphasis is placed on the offender's serious breach of trust. He was CC's grand uncle and next-door-neighbour. Ms. Thaggard makes the point that, in a village setting, children are often left to roam freely with the trust that relatives and villagers look out for one another. What the offender did was a gross breach of trust in this context.

Defence sentencing submissions

14. The defence relies on written submissions dated 2 July 2025, and Ms. Devi made oral submissions at the sentencing hearing.
15. By way of background, I am informed that the offender is 63 years old and married with 2 adult children. He earns his living through small-scale farming.
16. Ms. Devi submits that the offender's offending is made less serious because he is a first offender and is elderly. He fully cooperated with the police and has pleaded guilty at the earliest opportunity.

Discussion

17. The maximum sentences for rape and sexual assault are life imprisonment and 10 years' imprisonment respectively.

18. Turning my attention to the purposes of sentencing, as set out in section 4 of the Sentencing and Penalties Act 2009, I have had regard to a combination of the statutory purposes.
19. My principal focus in determining the just and proportionate sentence in this case is protection of the community. I also consider it important in cases such as this for the sentence imposed to adequately signify that the court and the community denounce the commission of sexual offending against children.
20. Protection of the community is my overriding purpose in light of my concluded view that the offender is a danger to children in his community. His offending involved an element of grooming and was repeated. Fortunately, his offending came to light before it escalated further.
21. Given that the offending took place over the space of a few days, and involved a single victim, I consider it appropriate to impose an aggregate sentence reflecting the totality of the offending behaviour.
22. Mr. Sagogo, I take 12 years' imprisonment as the starting point for the aggregate sentence. Leaving aside your guilty plea, balancing the aggravating and mitigating factors, I adjust the starting point upwards to 15 years' imprisonment. The factors that make your offending more serious, including the child complainant's extreme vulnerability, the element of grooming, the taking of indecent photographs of the victim, and your gross breach of trust, outweigh your limited mitigation by a considerable margin.
23. I do not consider that what is said to be your advanced age has any value in mitigation. I have sentenced three elderly men so far this month for deplorable sexual offending against young children. In my view, the imperative to protect our children against the lascivious attentions of morally bankrupt old men requires sentencing courts to cast aside any qualms that elderly offenders may not outlive appropriate sentences.
24. In reality, the offender's only effective mitigation is his early guilty pleas.

25. Irrespective of whether an early guilty plea reflects true remorse, there is real utilitarian value in sending a clear message to those accused of serious sexual offending that sentencing courts will give substantial credit to those who accept responsibility at the earliest opportunity.
26. An unambiguous and settled approach to the thorny issue of credit for plea would enable defence counsel to advise their clients with confidence and is likely to lead to more early guilty pleas, and a more consistent sentencing practice, contributing to the more efficient administration of criminal justice.
27. Whilst acknowledging the unease that sentencing courts may feel at giving substantial credit to those who accept responsibility for some of the most heinous sexual offending, it seems to me that it is precisely in these types of cases that the encouragement of early acceptance of guilt is most valuable.
28. Having made those general observations, I consider that the offender's early guilty plea in this case warrants a full one-third discount.
29. Mr. Sagogo, you have pleaded guilty to the rape and sexual assault of an innocent and vulnerable child. I consider that you are a danger to children in your community.
30. Having regard to all the circumstances in this case, were I sentencing you after a trial, the appropriate sentence would have been one of 15 years' imprisonment. However, by pleading guilty at the earliest opportunity you have saved the court's time and resources. Your child victim has been spared from the trauma of reliving at trial what you did to her. These are important considerations quite separate from the question of whether your early guilty plea reflects your genuine remorse.
31. In all the circumstances of this case, I reduce your sentence by one-third, resulting in a final sentence of 10 years' imprisonment. In my view, this represents the shortest term commensurate with the seriousness of your offending.

32. As you are a first offender, I will not constrain the corrections authorities from allowing you full remission should your behaviour in prison warrant it. I fix your non-parole period at 6 years 8 months, which I consider reflects the appropriate punitive element of your sentence, and also provides a reasonable incentive for rehabilitative efforts on your part.
33. I would encourage you to reflect at length on the inevitable harm that you have caused to your victim, and to engage with any intervention programmes that may be available to you during your period of incarceration.
34. I am informed that you have been in custody pending disposal of this matter for around 2 months, which is to be regarded as a period of imprisonment that you have already served.
35. Accordingly, the remaining time you must serve before being eligible to be released on parole is 6 years 6 months.
36. Mr. Sagogo, for the reasons I have explained, the sentence I impose is 10 years' imprisonment, less the time you have already served on remand. Your non-parole period is 6 years 6 months from today.
37. You may appeal to the Court of Appeal within 30 days.




Hon. Mr. Justice Burney

At Labasa
18 July 2025

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