

IN THE HIGH COURT OF FIJI
AT LABASA
CRIMINAL JURISDICTION

Criminal Case No.: HAC 37 of 2024

STATE

V

KOSITINO LATIANARA

Counsel : Mr T Tuenuku for the State
: Ms K Marama for the Accused

Date of Judgment: 20 February 2026

Date of Sentencing Hearing: 27 February 2026

Date of Sentence : 6 March 2026

SENTENCE

1. Mr Kositino Latianara, on 20 February 2026, you were convicted after trial before this Court of murdering Mr Amitendra Kumar (“the deceased”).
2. The factual basis upon which I sentence you today can be briefly stated.
3. You murdered the deceased on 18 March 2024 by stabbing him multiple times and slitting his throat with a knife that you brought to the scene for that purpose. You were motivated by a grievance that the deceased taxi driver had cheated you out of payment for a bucket of marijuana that you had supplied to him some weeks earlier. When you were interviewed by the police,

you made a full confession to having murdered the deceased. The Post-Mortem Report states that the conditions directly leading to death were exsanguination, complete transections of internal jugular veins, penetrating neck injuries and sharp force trauma.

Prosecution sentencing submissions

4. The prosecution has filed helpful written submissions setting out a lengthy extract from the relevant guideline judgment for murder and attempted murder: *Vuniwai v State* [2024] FJCA 100; AAU176.2019 (30 May 2024).
5. The statutory penalty for murder is a mandatory sentence of imprisonment for life. The sentencing judge has a discretion to fix a minimum term to be served by the offender (section 237 read with section 44(1) of the Crimes Act 2009).
6. In *Vuniwai*, the Court of Appeal gave guidance on the exercise of this judicial discretion to both fix a minimum term and determine the length of any such minimum term imposed.
7. In cases of murder, the appropriate starting point for any minimum term is fixed by reference to the category of seriousness, namely “*Exceptionally High*”, “*High*” and “*Low*”.
8. The prosecution submits that this murder falls within the “*High*” category in *Vuniwai*. Developing his argument at the sentencing hearing, Mr Tuenuku highlighted that you took a knife to the scene to have it available to use as a weapon and you used that knife in committing the murder.
9. Mr Tuenuku also identified a number of factors that make your offending more serious. The murder involved a significant degree of planning. The deceased was providing a valuable public service as a taxi driver. You used excessive violence by stabbing the deceased several times and slitting his throat. Finally, you threw away your knife in an attempt to conceal the murder weapon.

Mitigation submissions

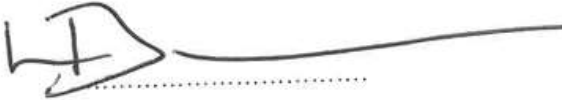
10. Ms Marama was constrained in what she could properly say on your behalf because you maintain your innocence. That is, of course, your right. Your lack of remorse is not an aggravating factor.
11. You were 32 years of age when you murdered Mr Kumar and are now 34. You have a 7-year-old son, who is taken care of by his mother.
12. Realistically, Ms Marama submits that this murder falls within the “*High*” category, attracting a starting point of 20 years and a minimum term in the range of 15 – 25 years’ imprisonment.
13. In mitigation, Ms Marama points out that you have no relevant previous convictions. She fairly acknowledges that the weight to be attached to this factor is limited by the admitted surrounding circumstances in which you decided to murder Mr Kumar.

Discussion and disposal

14. The only sentence this Court may impose is one of imprisonment for life. In considering whether to impose a minimum term and, if so, the appropriate length of that minimum term, I am required to have regard to the guideline judgment in *Vuniwai* and to the other matters set out in paragraph 4 of the Sentencing and Penalties Act 2009 (“the Act”).
15. Whilst sentences imposed by other sentencing courts provide broad guidance, there is a limit to the assistance that any sentencing court may glean from sentences imposed in other cases for similar offending. Every sentencing exercise is heavily fact specific, and must be approached as such. Sentencing courts have a discretion to impose sentences within a permissible range.

16. My task is to determine a just and proportionate sentence that serves the purposes of sentencing and properly reflects all the circumstances of your offending behaviour.
17. Turning my attention to the purposes of sentencing as set out in section 4 of the Act, I have had regard to a combination of the statutory purposes.
18. In my judgement, the seriousness of your murder of Mr Kumar is high within the guideline judgment. You took a knife to the scene to have it available to use as a weapon and you used that knife in committing the murder. The appropriate starting point for your minimum term is 20 years.
19. The aggravating factors identified by the prosecution warrant an upward adjustment to 22 years' imprisonment. You have no effective mitigation.
20. You were arrested on 21 March 2024 and have remained in custody for almost 2 years pending disposal of this matter. Your minimum term is reduced by 2 years to reflect the time you have already served.
21. Mr Latianara, for the reasons I have explained, I sentence you to life imprisonment. I fix 20 years as the minimum term you must serve before pardon may be considered.
22. You may appeal to the Court of Appeal within 30 days.




Hon. Mr Justice Burney

At Labasa
6 March 2026

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