

IN THE HIGH COURT OF FIJI

AT SUVA

[APPELLATE JURISDICTION]

CRIMINAL APPEAL NO. HAA 005 OF 2026

BETWEEN : **LOTE SOKOIWASA**

AND : **STATE**

Date of Judgment : **20 February 2026**

JUDGMENT

(Summary Dismissal)

- [1] The appellant, Lote Sokoiwasa, appeals against the sentence imposed by the Acting Chief Magistrate at Suva on 15 December 2025 in Criminal Case No. 1659 of 2025, where he was convicted on his own plea of guilty for one count of absconding bail contrary to sections 25(1)(a)(c) and 26(1) of the Bail Act 2002 and sentenced to 4 months imprisonment to be served forthwith.
- [2] The court record shows that on 1 December 2025 the charge was read and explained to the appellant in English, with interpretation into the iTaukei language, he confirmed receipt of full phase disclosure, waived his right to counsel, indicated that he understood the charge and then, of his own free will, pleaded guilty. The plea was accepted as unequivocal and he was convicted accordingly, with sentence adjourned to 15 December 2025 and the appellant remanded in custody.
- [3] On 15 December 2025, having heard brief mitigation (that the appellant was 33 years old, sought forgiveness and had mixed up the dates), the Acting Chief Magistrate delivered written sentencing remarks in which he set out the purposes

and relevant considerations in the Sentencing and Penalties Act, noted the statutory maximum of 12 months imprisonment and a tariff range of 3 to 9 months imprisonment for absconding bail, identified the only aggravating feature as the wasting of the court's time in having to re-list the substantive matter until the appellant's arrest, and then structured the sentence using a starting point of 6 months and 14 days imprisonment, an increase of 3 months for aggravation, a deduction of 3 months for mitigation, leaving 6 months and 14 days, and a further one-third reduction for the guilty plea, resulting in 4 months and 14 days imprisonment, from which 14 days were deducted for time spent on remand, leaving a final sentence of 4 months imprisonment, to be served forthwith.

- [4] The magistrate expressly considered and rejected suspension, stating that there was no convincing reason to suspend the sentence given the appellant's long list of previous convictions, which include attempted robbery, burglary, aggravated robbery, serious assault and drunk and disorderly, with both fully custodial and suspended terms having previously been imposed.
- [5] In his notice of appeal, the appellant states that he "pleaded guilty to the charge of absconding bail and was sentenced for 4 months on 15th December 2025", and advances two grounds: (a) that the learned magistrate erred in failing to suspend the sentence as the gravity of the offence was not serious; and (b) that the magistrate did not give much weight to the appellant's mitigation that the 11 days of absence was due to unforeseen circumstances; he asks that the sentence be set aside and that a suspension of sentence be ordered.
- [6] Section 251 of the Criminal Procedure Act 2009 provides that where an appeal is brought on the grounds that the decision is unreasonable, cannot be supported having regard to the evidence, or that the sentence is excessive, and it appears to the judge, after considering the petition of appeal and the record of proceedings,

that the evidence is sufficient to support the conviction and that there is no material in the circumstances of the case which could raise a reasonable doubt whether the conviction was right or lead to the opinion that the sentence ought to be reduced, the appeal may be summarily dismissed by an order certifying that the judge has perused the record and is satisfied that the appeal has been lodged without any sufficient ground of complaint.

- [7] This appeal is confined to sentence following an unequivocal plea of guilty to absconding bail; the conviction is not challenged, and in any event the limitation on appeals following a guilty plea applies so that only the legality or excessiveness of the sentence is in issue.
- [8] As to ground (a), absconding bail is an offence which strikes at the proper administration of justice and the efficient functioning of the courts. Failure to attend when on bail undermines court orders, wastes judicial and prosecutorial resources, delays the hearing of substantive criminal charges and erodes public confidence in the justice system, such that custodial sentences are commonly imposed, particularly where there is prior offending.
- [9] The Acting Chief Magistrate took into account the maximum penalty of 12 months and a stated tariff range of 3 to 9 months imprisonment and, starting from 6 months and 14 days, applied rational adjustments for aggravation, mitigation, guilty plea and pre-sentence custody, arriving at 4 months imprisonment, which is within the range reasonably open for offending of this kind and well below the statutory maximum.
- [10] Whether to suspend a sentence is a discretionary sentencing choice. The magistrate expressly addressed suspension and declined it on the basis of the appellant's lengthy criminal history, including several offences of dishonesty and

violence for which both suspended sentences and terms of imprisonment have previously been imposed, demonstrating that prior leniency has not been effective in deterring him from reoffending.

[11] In light of that history, the nature of the present offence and the modest length of the head sentence, it cannot be said that the magistrate erred in principle in refusing to suspend the term, nor that the failure to suspend renders the sentence manifestly excessive. The appellant's contention that the gravity of the offence "was not serious" is inconsistent with the statutory scheme and the recognized seriousness of absconding bail.

[12] As to ground (b), the sentencing remarks show that the magistrate did consider the appellant's mitigation, including his age, plea of guilty, expressed remorse and explanation that he had mixed up the dates, and allowed mitigation by way of a reduction in the constructed head sentence and a full credit for the period spent on remand. There is nothing to suggest that the magistrate ignored the asserted "unforeseen circumstances" of the 11 days of absence, but he was not obliged to accept that explanation as significantly reducing culpability, particularly against the background of the appellant's record.

[13] The complaint that the magistrate did not give "much weight" to mitigation is, in substance, an invitation to re-weigh the factors and substitute this Court's view for that of the sentencing court. Appellate intervention on that basis is not warranted unless the sentence is vitiated by specific error or is manifestly excessive, neither of which is demonstrated here.

[14] Having carefully perused the petition of appeal and the full record of the proceedings in the Magistrates Court, including the charge, the plea, the mitigation, the criminal record and the sentencing remarks, I am satisfied that the

evidence is sufficient to support the conviction and that there is no material in the circumstances of the case which could lead to the view that the sentence ought to be reduced, and that no sufficient ground of complaint is disclosed.

[15] This is therefore an appropriate case for the exercise of the summary power of dismissal under section 251 of the Criminal Procedure Act 2009.

[16] Pursuant to section 251 of the Criminal Procedure Act 2009, the appeal against sentence is summarily dismissed.

[17] The sentence of 4 months imprisonment imposed by the Acting Chief Magistrate on 15 December 2025 is affirmed.

[18] The Chief Registrar is to notify the appellant of this order in accordance with section 251(3) of the Criminal Procedure Act 2009.



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Hon. Mr Justice Daniel Goundar

Solicitors:

Appellant in Person

Office of the Director of Public Prosecutions for the State