

IN THE HIGH COURT OF FIJI
AT LABASA
CRIMINAL JURISDICTION

Criminal Case No.: HAC 80 of 2025

STATE

V

BETERO KOMAI

Counsel : Mr E Kotoilakeba for the State
: Ms M Besetimoala for the Accused

Date of Sentencing Hearing: 15 January 2026
Date of Sentence : 30 January 2026

SENTENCE

1. Mr Betero Komai, on 15 January 2026, you entered an informed and voluntary plea of guilty to the murder of your uncle, Mr Tekiabena Takirara (“the deceased”). You agreed a summary of facts which was read to you in the Banaban language and understood by you. The agreed summary of facts proves that you attacked the deceased with a knife on the morning of 8 November 2025 with the intent to kill him, and that he died later that day as a result of the wounds that you inflicted on the deceased. I find you guilty of murder and convict you accordingly.
2. The factual basis upon which I sentence you today can be briefly stated.

3. On 8 November 2025, between 7am to 8am, at Eritobeta settlement, Rabi Island, the deceased was sitting in his kitchen with two of his grandchildren when you entered his house and said “*Nang Tabaniko*” (“*I will kill you*”). You then approached him and struck him several times to his head and neck, severing his left ear and inflicting serious chop wounds to his head, neck, left upper limb and left forearm and wrist. You then fled towards the bush and threw away your knife which was later recovered by the police.
4. The deceased was rushed to the health centre but collapsed and died despite the attentions of the clinicians. 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.
5. You were arrested and interviewed under caution. You stated that, on the morning of 8 November 2025, you asked your sister whether she was having an affair with the deceased and, after she answered yes, you picked up a knife and stone and went to the deceased’s house. You threw the stone at his forehead, knocking him down, and then struck him several times with the cane knife. You explained that you attacked your uncle so brutally because of the many wrongs he had done to your sister. When challenged on whether it was you rather than the deceased who was having an affair with your sister, you accepted that. You said that you were falling in love with her and did not want anybody else to have sex with her. You confessed that you attacked your uncle because he was crazy over your sister and you were also crazy over her. After you overheard a conversation between your sister and your uncle that morning, you went to his house to kill him because you were jealous.

Prosecution sentencing submissions

6. The prosecution has filed helpful written submissions setting out extracts from the relevant guideline judgment for murder and attempted murder: *Vuniwai v State* [2024] FJCA 100; AAU176.2019 (30 May 2024).

7. 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).
8. 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.
9. 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*”.
10. The prosecution submits that this murder falls within the “*Exceptionally High*” category in *Vuniwai*. Developing this argument at the sentencing hearing, Mr Kotoilakeba highlighted the extreme brutality, cruelty, depravity and callousness of the murder.
11. Relying on information provided to him by the Criminal Records & Fingerprint Office, Mr Kotoilakeba informed the Court that the offender has no previous convictions. When I queried this at the hearing, based on the offender’s admission under caution that he had served a prison sentence for an offence of violence, Mr Kotoilakeba was at a bit of a loss. Since this was obviously an important consideration for me in fixing an appropriate minimum term, I allowed time for the prosecution to make further inquiries and file accurate information about the offender’s criminal history. Regrettably, the prosecution has not assisted the Court, notwithstanding that it would, presumably, have been a relatively straightforward matter for them to access their database. Sentencing courts rely on the prosecution to provide accurate information on an offender’s antecedents. Plainly, that did not happen in this case. More worryingly, this is not an isolated failure. I am most concerned that information provided to sentencing courts on a daily basis is systemically unreliable.

12. Resorting to self-help, in short order, the High Court Registry staff were able to ascertain that the offender pleaded guilty to the offence of act with intent to cause grievous harm, and was sentenced to 3 years' imprisonment on 5 April 2022: *State v Petero Maitinara* Criminal Case No. HAC 03 of 2022. The brief facts of the case were that the offender hit his 13-year-old cousin over the head several times with an iron roti plate, inflicting life-threatening injuries.

Mitigation submissions

13. Perhaps surprisingly, in her written mitigation and sentencing submissions, Ms Besetimoala also submitted that this murder falls within the “*Extremely High*” category, attracting a minimum term in the range of 20 – 30 years' imprisonment. When it was gently suggested to her that she may wish to seek to persuade the Court that her client's culpability was not extremely high, Ms Besetimoala filed supplementary written submissions in which she optimistically submitted that her client's culpability falls within the “*Low*” category, attracting a minimum term in the range of 5 – 15 years' imprisonment.
14. By way of background, I am informed that the offender is a 24-year-old single man who farms yaqona for a living.
15. The offender pleaded guilty at the earliest opportunity and has saved the Court's time and resources. Ms Besetimoala submits that his early acceptance of full responsibility evinces the offender's genuine remorse.
16. Ms Besetimoala also argues that the murder was committed in the heat of passion.

Discussion and disposal

17. 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 (“the Act”).

18. 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.
19. 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.
20. 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.
21. Whilst your murder of your uncle was unquestionably brutal and cruel, in my judgement it does not fall within the “*Extremely High*” category. This was not a cold-blooded execution. In my considered view, your offending falls within the “*High*” category of seriousness, for which the appropriate starting point is a minimum term of 20 years’ imprisonment. You brutally attacked your uncle in his own home in front of his grandchildren. You have a history of violent offending. Plainly, you are a dangerous young man.
22. Realistically, save for your early plea of guilty, you have little effective mitigation. I make some allowance for your relative youth on the basis that your immaturity is likely to have impacted on your ability to control your emotions, especially such a strong emotion as jealousy.
23. Leaving aside credit for your early guilty plea, balancing the aggravating and mitigating factors, in my judgment a minimum term of 20 years’ imprisonment would be just and proportionate. I reduce this by 5 years to reflect the utilitarian value of your early plea of guilty. I impose a minimum term of 15 years’ imprisonment less the time you have served on remand since 11 November 2025.

24. **Mr Komai**, for the reasons I have explained, I sentence you to life imprisonment. I fix 14 years and 9 months as the minimum term you must serve before pardon may be considered.
25. You may appeal to the Court of Appeal within 30 days.




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Hon. Mr Justice Burney

At Labasa

30 January 2026

Solicitors

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