

**IN THE MAGISTRATE'S COURT AT LABASA**  
**CRIMINAL JURISDICTION**

*Traffic Case No. 1134 of 2013*

**STATE**

**V**

**LAISENIA KORONIVACI**

For the Prosecution : **CPL Monish**  
For the Accused : **In Person**  
Sentence : **26 January 2018**

**SENTENCE**

1. The Accused, *Laisenia Koronivaci* you stand before the court today to be sentenced for the following counts;-
  - a. Count 1 - *Dangerous Driving Occasioning Death.*
  - b. Count 2 - *Fail To Comply With Requirements Following An Accident.*
  - c. Count 3 - *Driving Motor Vehicle Without A Valid Driving Licence.*
2. You were found guilty after trial for all the three counts. The facts of the case is that on 18 August 2013, along the Seaqaqa Labasa highway at Natua, you were driving a motor vehicle registration number FD 154 in a dangerous manner thereby hit Mohammed Mustafa Khan and caused his death. You fail to stop and give necessary assistance or comply with the requirements following an accident. When driving the said vehicle you did not have a valid driving licence.
3. The Accused was convicted as charged for all the three counts. The oral mitigation was submitted on 18 September 2017.

4. The maximum sentence for *Dangerous Driving Occasioning Death* is 10 years imprisonment or fine of \$10,000.00, and disqualification for any period up to life. The tariff is from 2 to 4 years imprisonment. The maximum penalty for *Fail To Comply With Requirements Following An Accident* is 30 days imprisonment or fine of 200 penalty unit. The maximum penalty for *Driving A Motor Vehicle Without A Valid Driving Licence* is of 50 penalty unit.
5. There is no aggravating factor. The compelling mitigating factors are; -
  - a. *First offender.*
  - b. *Seek the court forgiveness.*
6. In your sentence, I will start with the offence of *Dangerous Driving Occasioning Death*. I pick 3 years as my starting point. I reduce 6 months for your mitigation and that reduce your sentence to 2 years and 6 months imprisonment.
7. All these offences occurred at the same time and on one circumstance. Under the one transaction rule, I impose 30 days imprisonment as your sentence for *Failure To Comply With Requirements Following An Accident*. For the offence of *Driving A Motor Vehicle Without A Valid Driving Licence*, I sentence you to pay fine of \$200.00.
8. *Laisenia Koronivaci*, I now sentence you as follows; -
  - a. Count 1- ***Dangerous Driving Occasioning Death***- 2 years and 6 months imprisonment.
  - b. Count 2 - ***Failure To Comply With Requirements Following An Accident***- 30 days imprisonment.
  - c. Count 3- ***Driving Motor Vehicle Without A Valid Driving Licence***- Fine of \$200.00
  - d. *Sentence for counts 1 and 2 are to be served concurrently.*

- e. *Your head sentence is 2 years and 6 months imprisonment with a non parole period of 1 year and 8 months.*
- f. *Fine for count 3 to be paid within 2 months from the date of discharge from custody, in default 6 weeks imprisonment.*

**28 days to appeal.**



C. M. Tuberi  
RESIDENT MAGISTRATE