

IN THE MAGISTRATE'S COURT AT LABASA

CRIMINAL JURISDICTION

Criminal Case No. 330 of 2013

STATE

v

JOELI TINAI

Appearance : **PC Lal** for the prosecution
Mr Gade. P for the accused

Sentence : **22 November 2019**

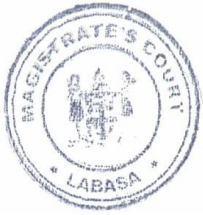
SENTENCE

1. The accused, *Joeli Tinai*, today is for sentencing for the offence of *Assaulting a Police Officer in Due Execution of his Duty* where you contravened section 277(b) of the *Crimes Act*.
2. You were found guilty after the trial and convicted as charged.
3. The brief summary of facts are that on 17 June 2013, at Labasa, the victim PC 4778 Dharmend Chand was trying to put the handcuff on the accused's hand, when the accused got hold of the victim's small finger on the victim's right hand and twisted it.

4. The maximum sentence for this offence is 5 years imprisonment. The tariff is 6 to 12 months imprisonment.
5. The only aggravating factor is that you have no respect for the law enforcement officers who work tirelessly to ensure peace and safety in Fiji.
6. The compelling mitigating factors are;-
 - a. *Young offender of 27 years old,*
 - b. *Sole breadwinner,*
 - c. *First offender,*
 - d. *Promise not to re-offend,*
 - e. *Seek the court forgiveness.*
7. For your sentence, I pick 9 months imprisonment as my starting point. I add 8 months for the aggravating factors and that increase your sentence to 17 months imprisonment. I reduce 8 months for your mitigation and that reduce your sentence to 11 months imprisonment.
8. Your final sentence is 11 months imprisonment.
9. In this sentence, I have considered *section 4* of the *Sentence and Penalties Act*. I take note of the principle of rehabilitation and deterrence. In your mitigation, you requested for a suspended sentence. This case has been hanging over your neck for about 6 years. That is a punishment on its own. The gravity of the assault was minor. The appropriate sentence is to give you another chance to rehabilitate yourself.

10. Joeli Tinai, I now sentence you to 11 months imprisonment and I suspended your sentence for 2 years.

28 days to appeal



A handwritten signature in blue ink, appearing to read "C. M. Tuberi", enclosed within a rectangular box.

C. M. Tuberi
RESIDENT MAGISTRATE