

IN THE MAGISTRATES' COURT OF FIJI
AT TAVUA
CRIMINAL JURISDICTION

Criminal Case No: 44 - 2018

STATE

-v-

JOPE TUIVAGA

Before : RM Fotofili L.
For Prosecution : Inspector Lenaitasi S. [Police Prosecution]
Accused : Ms Henao G. [Legal Aid Commission]
Date of Sentence : 10th January 2020

SENTENCE

BACKGROUND

1. **JOPE TUIVAGA**, you have pleaded guilty to the following charge:

Statement of Offence

ABSCONDING BAIL: Contrary to section 25 (1) (a) and 26 (1) of the Bail Act 2002 and the Bail Amendment Act of 2012.

Particulars of Offence

JOPE TUIVAGA on the 26th day of January, 2018 at Tavua in the Western Division whilst released on bail by the Tavua Magistrate Court vide CF 87 – 17 failed to present himself at Tavua Magistrates' Court.

2. I am satisfied that your guilty plea and admission in court is voluntary and that you understand the consequences. The evidence tendered in support of your admission also supports your guilty plea.
3. I have also taken judicial notice of the records in your other file Tavua CF 87 – 17. You had appeared on the 26th of January 2018 and your case was 'stood down' or adjourned to be called later the same day. You did not reappear.

4. I am satisfied that you thought that your case was adjourned to another date. You should have followed up with the registry as you had not be given another date. These are some of the intricacies that most lay persons or those inexperienced with judicial proceedings can miss if attention is not being paid.
5. There was no reasonable cause for your non-appearance.
6. However, your breach was a technical one and I do not think that you were evading your case or intentionally absconding.
7. You are a first offender. I see that you have been appearing consistently in your case. You are working as an invoice checker.
8. Pursuant to section 15 (1) (j) and section 16 of the **Sentencing and Penalties Act 2009** I do not enter or order a conviction against you and I dismiss the charge.
9. No penalty therefore will be imposed on you.
10. 28 days to appeal.



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Lisiate T.V. Fotofili
Resident Magistrate

Dated at Tavua this 10th day of January, 2020