

IN THE MAGISTRATES' COURT OF FIJI
AT SUVA
EXTENDED JURISDICTION

High Court Criminal Case No. HAC 263 of 2015
Magistrates' Court Criminal Case No. CF 1355 of 2016

STATE

v.

JERRY KAITANI

For the State : *Sergeant R. Ram of the Police Prosecution Department*

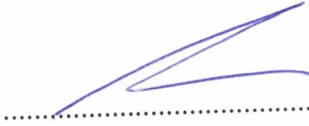
For the Accused: *In Absentia*

SENTENCE

1. I found you guilty and I convicted you after trial of "**Aggravated Burglary**" and "**Theft**".
2. The facts are that you and another broke into the **Victoria Wines** warehouse in Walu Bay and stole \$12,41.51 worth of assorted liquor therein.
3. The maximum penalty for "**Aggravated Burglary**" is imprisonment for 17 years and the tariff is imprisonment between 18 months and 03 years. The maximum penalty for "**Theft**" is imprisonment for 10 years and the tariff is imprisonment between 02 months and 03 years.
4. According to admissions you had made to the Police, you and your accomplice planned the break-in and the theft. This was no opportunistic crime. In mitigation, from what I can

discern, you were 29 years old at the time of the incident and had been staying with your girlfriend at the material time.

5. You chose not to attend your criminal trial proceedings. That is your constitutional right but as a consequence of that choice, I am not assisted by you in mitigation. I have done my best to look over the material before me but I cannot go beyond the information I have at hand. I do note that you were remanded for approximately 02 months before you were granted bail.
6. All told I sentence you in aggregate to imprisonment for 02 years. What you did was objectively very serious and your level of moral culpability was very high. I declare 02 months of this sentence time already served.
7. You are not a first offender. You have two active previous convictions, one for going equipped for theft and one for theft. In my view, you are not a good prospect for rehabilitation.
8. For that reason, I see no good reason to suspend this sentence. You are hereby sentenced to imprisonment for 22 months on Count 1: *Aggravated Burglary* and 22 months on Count 2: *Theft* to be served concurrently.
9. I hereby issue your committal warrant and a warrant of apprehension for your arrest. Your sentence is to commence from the date of your apprehension.
10. **Any party not satisfied with the decision of this Court is at liberty to appeal to the Court of Appeal within 30 days.**


.....
Seini K Puamau
RESIDENT MAGISTRATE



Dated at Suva this 8th day of January 2021.