

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

*Criminal Case No.480 of 2016*

**STATE**

v

**ILIESA SAISAIDUGU**

For the Prosecution: **CPL Monish**

For the Accused : **In Person**

Sentence : **25 July 2017**

**SENTENCE**

1. The accused, *Iliesa Saisaidugu*, you are before this Court today to be sentenced for the offences of *Burglary* and *Theft* for contravening *section 312* and *219* of the *Crimes Decree 2009* respectively.
  2. On 18 December 2016 you waived your rights to counsel and you elected to be tried before the Magistrate's Court for the offence of *Burglary*. You pleaded guilty to both the offences on 13 February 2017 and I find your plea to be unequivocal.
  3. The brief summary of facts are;-  
  
"On 15<sup>th</sup> day of August 2016 at about 8.30pm, the accused *Iliesa Saisaidugu* entered into room no.116 at *Grand Eastern Hotel* at *Labasa* and stole 1 4GB USB valued \$10.00, A\$105.00 cash, all to the total value of \$115.00 the properties of *Hemalatha Sivakumaran*. The accused ran away by jumping out of the broken window.
- You admitted to the summary of facts on 13 February 2017 and was convicted as charged.

5. The maximum penalty for *Burglary* is 13 years imprisonment. The tariff is from 12 months to 3 years imprisonment as set in ***Mosese Uluicicia v State***, *Criminal Appeal No. HAA 028 of 2014*. The maximum penalty for *Theft* is 10 years imprisonment. The tariff is for 2 to 9 months for simple theft and 9 months and more for repeated offenders as set in ***Vakarauvanua v The State*** [2004] FJHC 116.
6. The aggravating factors are;-
  - i. *You instill fear and insecurity to the hotel guests and tourism industry.*
  - ii. *Unlawfully entered into the hotel room.*
  - iii. *Unlawfully took the items referred to in paragraph 3.*
7. The mitigating factors are;-
  - i. *Remorseful and ask for second chance.*
  - ii. *Young offender of 21 years old.*
  - iii. *Part time labourer student.*
8. In your sentence, my starting point for *Burglary* is 2 years. I add 1 year for the aggravating factors and that increase your sentence to 3 years. I reduce 6 months for your mitigation and that reduce your sentence to 2 years and 6 months.
9. You entered an early guilty plea. In the case of ***Vilimone v State*** [2008] FJHC 12, the High Court recognised that one third of the sentence should be reduced for an early guilty plea. I therefore reduce 10 months for your early guilty plea and that reduce you sentence to 1 year and 8 months imprisonment.
10. I have noted that during the cause of this proceeding you were in remand and serving for other cases. I will not give any discount for those period as you were on bail in this case.
11. In compliance with the "one transaction rule" as imposed by the Supreme Court in ***Wong Kam Hong v The State*** (unreported) *Criminal App No. CAV 0002 of 2013 (23 Oct 2003)*, I impose 10 months imprisonment as your sentence for the count of *Theft*, as you are a repeated offender.
12. From 2012 to the date of this sentence you had been convicted and sentence for 3 counts of *Burglary* and 3 counts of *Theft*. That shows that you are unable to reform

yourself and you take advantage of the court leniency. Therefore, I will not suspend your sentence.

13. *Iliesa Saisaidugu*, I now sentence you as follows; -

Count 1 - Burglary - 1 year and 8 months imprisonment.

Count 2 - Theft - 10 months imprisonment.

14. Sentence for both the counts to run concurrently and to be served concurrently with the sentence that you are currently serving in other cases.

**28 days to appeal.**



C. M. Tuberi  
RESIDENT MAGISTRATE

