

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

Criminal Case No: HAC 105 of 2006

STATE

v.

PENIASI TIRIKULA

Hearing: 9th February 2009 - 16th February 2009
Sentence: 17th February 2009

Counsel: Mr. A. Rayawa for State
Ms B. Malimali for Accused

SENTENCE

[1] Peniasi Tirikula, you have been found guilty by the three assessors and by me, of one count of robbery with violence. On the 24th of April 2006 you entered the house of Michael Hamid Ali and Sue Gong Joo Ha in Qaiya, Lami, and with three others assaulted Michael Hamid Ali and stole items from his house. In the course of the robbery Sue Gong Joo Ha was also assaulted although not by you. The police when attending the scene found Michael Hamid Ali bleeding heavily from his head and his wife lying semi-naked on her bed, covered with bruises. Michael Hamid Ali was 70 years old with a heart condition and a lung disease. These victims were vulnerable, and the attack on them by 4 men at night was a most reprehensible event.

[2] This was a case of robbery with violence where the violence was inflicted gratuitously. The injuries were serious and both victims needed hospital treatment. As a home invasion, the tariff is 6 to 8 years imprisonment.

[3] Your co-offender Jeke Vakrarawa was sentenced to 6 years imprisonment by Goundar J in June 2008. Vakrarawa was treated as a first offender, but I consider that he and you were equally culpable in this offence. There is no admissible evidence of the value of the items stolen but you yourself took a dvd player and cd's from the robbery.

[4] You have a number of previous convictions for burglary, house-breaking and one in 2001 for robbery with violence. You are not entitled to the leniency shown to Vakrarawa.

[5] Your mitigating factors are that you have had a difficult childhood during which you were brought up by your grandparents and your uncle and aunt. You are educated up to Form 6 level but since then you have spent much of your life in prison.

[6] I commence at 7 years imprisonment. After adjusting for all mitigating and aggravating circumstances I sentence you to 7 years imprisonment. I am told by your counsel that you have responded well to the Yellow Ribbon programme in prison. I urge you to continue with it because I believe that your reintegration into the community will depend on your response to this and to other rehabilitation programmes.

Nazhat Shameem
JUDGE

At Suva
17th February 2009