

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION.

Criminal Case No. HAC 63 of 2013

BETWEEN

STATE

AND

KITIONE KAMIKAMICA

BEFORE THE HON. JUSTICE PAUL K. MADIGAN

Counsels: Ms. A. Vavadakua for the State
Mr. J. Savou (L.A.C.) for the accused

Dates of hearing: 14 & 15 April 2014
Date of summing up: 15 April 2014
Date of judgment: 16 April 2014

JUDGMENT

KITIONE KAMIKAMICA, you were charged with the following two offences :

First Count

Statement of Offence

RAPE: Contrary to section 207 (1) and (2) (a) and (3) of the
Crimes Decree No. 44 of 2009.

Particulars of Offence

KITIONE KAMIKAMICA between the 23rd day of January 2012 and the 27th day of April 2012, at Nausori Village, in the Central Division, had carnal knowledge of **JOANA VAKARURU VOSA**, a child under the age of 13 years.

Second Count

Statement of Offence

SEXUAL ASSAULT: Contrary to section 210 (1)(a) and (2) of the Crimes Decree No. 44 of 2009.

Particulars of Offence

KITIONE KAMIKAMICA between the 23rd day of January 2012 and the 27th day of April 2012, at Nausori Village, in the Central Division, unlawfully and indecently assaulted **JOANA VAKARURU VOSA** by licking her vagina.

- [1] At the end of the prosecution case, this Court found that you had no case to answer on Count 2. You are therefore found not guilty on that count and acquitted of it.
- [2] On the first count of rape you have been found guilty in the unanimous opinion of three assessors.
- [3] The evidence of the rape came from the victim 9 years old at the time, and now 11 years old. She told the Court in halting but convincing fashion of what you did to her in the toilet in those early days of 2012. Although she is

still young and shy, her evidence was hesitant, spontaneous and believable. The Court believed her evidence.

- [4] The evidence of her cousin Tarusila and her mother corroborated her evidence completely, not that corroboration is needed but it reinforced the weight of her evidence.
- [5] There was no defence evidence to explain or contradict the evidence of the State.
- [6] I find beyond reasonable doubt that Joana was raped by you in the toilet that day and I therefore agree with the assessors and find you guilty. I convict you on count 1 accordingly.
- [7] That is the judgment of the Court.



P.K. Madigan
Judge

At Suva
16/04/2014