

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 119 OF 2009S

STATE

vs

RUSIATE VULAONO

Counsels : **Ms. M. Khan and Ms. M. Konarote for State**
Mr. A. Naco for Accused

Hearings : **6, 7 and 8 June, 2016**

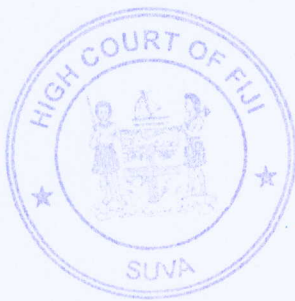
Summing Up : **10 June, 2016**

Judgment : **10 June, 2016**

JUDGMENT

1. The three assessors had returned with a unanimous guilty verdict against the accused on Count No. 1 (Rape); Count No. 2 (Rape); Count No. 3 (Unnatural Offence); Count No. 4 (Rape) and Count No. 5 (Assault).
2. Obviously, the three assessors had accepted the prosecution's version of events, which meant they had accepted the complainant's version of events and evidence. It also meant the three assessors had rejected the accused's sworn denials.

3. I have reviewed the evidence called in the trial and I've directed myself in accordance with the Summing Up I gave the assessors today.
4. The assessors' verdict was not perverse and it was open to them to reach such conclusion on the evidence.
5. Assessors are there to assist the trial judge come to a conclusion on the guilt or otherwise of the accused. In my view, I had observed and heard all the evidence of the witnesses. I agree with the three assessors' opinion. I, like them, accept the evidence and version of events of the complainant. I found her to be a credible witness.
6. As for the accused, he was very evasive during the trial and I found him not to be a credible witness.
7. Given the above, I accept the three assessors' verdict and I find the accused guilty as charged on all counts and I convict him accordingly on those counts.
8. Assessors thanked and released.




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JUDGE

Solicitor for State : **Office of the Director of Public Prosecution, Suva**
Solicitor for Accused : **Mr. A. Naco, Barrister & Solicitor, Suva.**