

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 360 OF 2016S

STATE

vs

ALIFERETI RATOKABULA

**Counsels : Mr. E. Samisoni and Ms. S. Lodhia for State
Ms. V. Filipe and Ms. L. Manulevu for Accused**

Hearing : 1, 2, 5, 6 and 7 March, February, 2018

Summing Up : 8 March, 2018

Judgment : 8 March, 2018

JUDGMENT

1. The three assessors had returned with a unanimous opinion finding the accused guilty as charged.
2. Obviously, the 3 assessors had accepted the prosecution's version of events. That meant they had accepted prosecution's witnesses' evidence and had accepted their version of events.
3. I have reviewed the evidence called in the trial and I have directed myself in accordance with the summing up I gave the assessors today.

4. The three assessors' opinion was not pervene. It was open to them to reach such conclusion on the evidence.
5. Assessors are there to assist the trial judge come to a decision on whether or not the accused was guilty as charged. The assessors represent the public and their view must be respected and treated seriously
6. Like the assessors, I find the prosecution's 11 witnesses' evidence as credible and I accept them. I accept their version of events. I accept the accused's verbal and written confessions given to the police. In my view, after looking at all the evidence, he gave the same voluntarily and out of his own free will. The confessions were given and they were true.
7. Given the above, I accept the three assessors' unanimous opinion, and I find the accused guilty as charged and convict him accordingly.
8. Assessors thanked and released.




Salesi Temo
JUDGE

Solicitor for State
Solicitor for Accused

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Office of the Director of Public Prosecution, Suva.
Legal Aid Commission, Suva.