

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

LAUTOKA CRIMINAL CASE NO. HAC 024 OF 2019L

STATE

vs

MESULAME KURINACOB

**Counsels : Ms. J. Fatiaki for State
Ms. E. Radrole and Ms. N. Singh for Accused**

Hearings : 12, 13, 14, 15 and 18 November, 2019.

Summing Up : 19 November, 2019.

Judgment : 19 November, 2019.

JUDGMENT

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

4. The three assessors' opinions were not perverse. It was open to them to reach such conclusion on the evidence.
5. Assessors are there to assist the trial judge decide on whether or not the accused was guilty as charged.
6. I had carefully listened to all the prosecution's six witnesses' evidence. I had considered all the exhibits tendered by the prosecution.
7. Like the assessors, I find the six prosecution's six witnesses' evidence credible. I accept that the accused voluntarily led police to the marijuana farm. I accept the police uprooted 1,589 cannabis sativa plants therefrom. I accept that these plants were later found by PW3 to be cannabis sativa, an illicit drug.
8. I also accept that the accused voluntarily admitted the offence to police, when cautioned interviewed and when formally charged. I find that there was no unfairness in the way police conducted the accused's interview and formal charging. In my view, on the evidence, the accused voluntarily admitted the offence. His confession, I find to be true.
9. Given the above, I accept the three assessors' unanimous opinion and I find the accused guilty as charged and I convict him accordingly.
10. Assessors thanked and released.



Solicitor for the State

Solicitor for the Accused

:

Office of the Director of Public Prosecution, Suva.

:

Legal Aid Commission, Suva.

A handwritten signature in blue ink, appearing to be "Salesi Temo".

Salesi Temo
JUDGE