

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**CRIMINAL JURISDICTION**  
**CRIMINAL CASE NO. HAC 012 OF 2019S**

**STATE**  
**vs**  
**JIMIONE LEDUA**

**Counsels** : **Ms. K. Semisi, Ms. U. Tamanikaiyaroi and Mr. J. Nasa for State**  
**Ms. L. Ratidara and Mr. A. Waqanivalagi for Accused**

**Hearings** : **23, 24 and 25 November, 2020.**

**Summing Up** : **26 November, 2020.**

**Judgment** : **26 November, 2020.**

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**JUDGMENT**

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1. The assessors had returned with a unanimous opinion finding the accused guilty as charged on both counts.
2. Obviously, the three assessors had accepted the prosecution's version of events. It also meant they had accepted the two child complainants' evidence. That also meant they had rejected the accused's sworn evidence.
3. I had reviewed the evidence called in the trial and I had directed myself in accordance with the summing up I gave the assessors today.
4. The 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 come to a decision on whether or not the accused was guilty as charged. Assessors represent the public and their opinions must always be treated with respect.
6. On analyzing the whole evidence, I have come to the same conclusion as the three assessors. The two female child complainants' evidence, in my view, was credible. They respected "Tutu Jimi", but in my view, they told the truth in court. There was nothing that I saw in them to lie in court. In my view, their demeanor in court confirms they were telling the truth.
7. As for the accused, in my view, he was not a credible witness. First, he refused to be sworn on the Christian bible, although he was a Methodist. This in my view decreased his credibility and reliability. I reject his sworn denials.
8. Given the above, I accept the three assessors' unanimous opinions and find the accused guilty as charged. In my view, his penis penetrated the two female child complainants' vulva, at the material time and I make that my finding of fact. I find the accused guilty as charged on both counts and convict him accordingly on those counts.
9. Assessors thanked and released.



  
**Salesi Temo**  
**JUDGE**

**Solicitor for the State** : **Office of the Director of Public Prosecution, Suva.**  
**Solicitor for the Accused** : **Legal Aid Commission, Suva.**