

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 211 OF 2018S

STATE

Vs

LAIASIA RAIYOU

**Counsels : Ms. K. Semisi for State
Ms. L. Manulevu for Accused**

Hearings : 27 September 2019 and 24 February, 2020.

Sentence : 23 July, 2020.

SENTENCE

1. On 13 August 2018, the following information was put to the accused, in the presence of his counsel:

"FIRST COUNT

Statement of Offence

RAPE: *Contrary to Section 207(1) and 2(b) and (3) of the Crimes Act 2009.*

Particulars of Offence

LAIASIA RAIYOU *on the 6th day of April, 2018 at Levuka-i-Gau in the Central Division, penetrated the vagina of A.K.M., a child under the age of 13 years, with his finger.*

COUNT TWO

Statement of Offence

RAPE: *Contrary to Section 207 (1) and (2)(a) and (3) of the Crimes Act 2009.*

Particulars of Offence

LAISIASA RAIVOU on the 6th day of April, 2018 at Levuka-i-Gau in the Central Division, penetrated the vagina of **A.K.M.**, a child under the age of 13 years, with his penis.

COUNT THREE

Statement of Offence

RAPE: Contrary to section 207(1) and 2(a) and (3) of the Crimes Act 2009

Particulars of Offence

LAISIASA RAIVOU on an occasion other than that referred to in Count 2, on the 6th day of April, 2018 at Levuka-i-Gau in the Central Division, penetrated the vagina of **A.K.M.**, a child under the age of 13 years, with his penis.”

2. The charge was read and explained to him, and he said, he understood them. He pleaded not guilty to count no. 1, but pleaded guilty to count no. 2 and 3. On 14 August 2018, the prosecution presented their summary of facts on count no. 2 and 3, and the accused, through his counsel, admitted the summary of facts. The court then found the accused guilty as charged on count no. 2 and 3. His plea in mitigation was taken, and the parties submitted their sentence submissions.
3. On 30 August 2018, the court, in a written sentence, sentenced the accused to 11 years imprisonment on each count, ordering the same to be made concurrent to each other. The final total sentence for count no. 2 and 3, was 11 years imprisonment, with a non-parole period of 10 years imprisonment, effective from 30 August 2018. As for count no. 1, a trial date was being organized.
4. However, on 27 September 2019, count no. 1 in the information was re-put to the accused, in the presence of his counsel. The charge was read and explained to him and he said, he understood the same. He pleaded guilty to count no. 1. On 24 February 2020, the prosecution presented their summary of facts. Basically, the accused (22 years old) was at a relative’s kitchen in a village with the female complainant (12 years old) on 6 April 2018. He approached the complainant,

removed her underpants and inserted his finger into her vagina. Her medical report revealed that her hymen was perforated as a result.

5. The accused admitted the above summary of facts, including the particulars of offence in count no. 1, and the court found him guilty as charged as a result. The court then convicted him accordingly. The accused relied on his plea in mitigation submitted on 14 August 2018 and on 25 October 2019.
6. As I had already delivered a written sentence on this case on 30 August 2018, I repeat the comments I made therein today.
7. On count no.1, I repeat the same process and sentence imposed on the accused in count no. 2 and 3. I sentence the accused to 11 years imprisonment, with a non-parole period of 10 years imprisonment, effective from today. The above sentence is made concurrent to the total sentence of 11 years imprisonment, imposed on count no. 2 and 3, on 30 August 2018.
8. The child complainant's name is permanently suppressed to protect her privacy.
9. You have 30 days to appeal to the Court of Appeal.




Salesi Temo
JUDGE

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