

IN THE HIGH COURT OF FIJI
AT LABASA
[APPELLATE JURISDICTION]

CRIMINAL APPEAL CASE NO. HAA 21 OF 2020

(Magistrates' Court Case No. 323 of 2020)

BETWEEN: **ILISONI TUISAVUSAVU**

APPELLANT

AND: **THE STATE**

RESPONDENT

Counsel: **Appellant in person**
 Ms D Rao for the Respondent

Date of Hearing: **18 August 2020**

Date of Judgment: **24 August 2020**

JUDGMENT

1. On 28 May 2020, the appellant was charged with one count of possession of marijuana and one count of unlawful cultivation of marijuana and produced in the Magistrates' Court at Savusavu. The charges alleged that on 26 May 2020 the appellant possessed 13.7g of marijuana and cultivated 713 marijuana plants at Navonu, Cakaudrove. The appellant waived his right to counsel and pleaded guilty to the charges. After recording the appellant's pleas the learned magistrate adjourned the case for mitigation on 4 June 2020. On 4 June 2020, the appellant presented his mitigation and on 10 June 2020, the learned magistrate sentenced the appellant to 7 years, 7 months and 2 days imprisonment with a non-parole period of 5 years and 6 months.
2. The appellant now appeals his conviction saying he was pressurized by the police to confess to the crime during his caution interview.
3. It is trite law that an appeal against conviction arising from a guilty plea can only be allowed in exceptional circumstances. A guilty plea must be a true reflection of guilt. For that reason,

it must be made freely and voluntarily and supported by facts on each element of the admitted offences. When an accused is unrepresented the burden is on the courts to ensure that the guilty plea is made freely and voluntarily without pressure or inducement.

4. In the present case the court took extra care to ensure that the appellant's pleas were unequivocal and informed. The appellant informed the learned magistrate that he was pleading guilty freely. He admitted the facts tendered in support of the charges and also informed the learned magistrate that his admissions contained in his caution interview were made voluntarily. The learned magistrate gave the appellant one week to prepare and present his mitigation. He advised the learned magistrate that he was 27 years old, single and a yaqona farmer. He sought forgiveness for planting marijuana and promised not to reoffend. When the learned magistrate asked the appellant whether he understood the consequences of his guilty pleas he replied 'yes'. In his sentence, the learned magistrate gave the appellant a discount of one third for his early guilty plea and a further reduction in sentence for his cooperation with police.
5. The appellant's claim that he only pleaded guilty because of police pressure is devoid of merit. The learned magistrate conducted the proceedings fairly and ensured that the pleas that the appellant entered were voluntary and without pressure from anyone.
6. The appeal is dismissed on the ground that it is frivolous and vexatious.



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Hon. Mr Justice Daniel Goundar

Solicitors:

Appellant in Person

Office of the Director of Public Prosecutions for Respondent



