

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**CRIMINAL JURISDICTION**

**Criminal Case No. HAC 107 of 2024**

**BETWEEN** : **STATE**

**AND** : **PETUELI VARAMASI TEROTUME**

**Counsel** : **Ms Ratukalou for the State**  
**Mr Moce for the Accused**

**Judgment** : **6 June 2025**

**Mitigation/Submissions** : **24 June 2025**

**Sentence** : **3 July 2025**

**SENTENCE**

**(the name of the victim is suppressed, she is referred to as 'LR')**

- [1] Petueli Varamasi Terotume, you appear today for sentence. You have been found guilty following a defended trial of three counts of rape and four counts of sexual assault against the victim, LR.
- [2] The offending occurred on four separate occasions over a 2-3 year period from about 2021 to 2024. LR was aged between about 9 and 12 years old at the time of the offending and, therefore, a juvenile.
- [3] You are LR's stepfather having married LR's mother. You used your position to rape and sexually assault LR in the home on several occasions, mostly when LR's mother

was at work but on one occasion when everyone was asleep. The offending only came to light because LR confided in her cousins who, in turn, reported the matter to an adult.

[4] The following mitigation has been provided on your behalf:

- You are a first offender.
- At age 41 years, you have, up until this offending, led an exemplary life. You have been devoted to your church contributing to your parish and the community at large.
- You have been gainfully employed providing financially for those whom you are responsible.
- You have children to your first wife. They are still young.

[5] Your lawyer has asked for a sentence that will not involve sending you to prison. That, however, is not possible given the seriousness of your offending.

[6] The maximum penalty prescribed for **rape** is life imprisonment. The tariff for the rape of a juvenile is between 11 to 20 years imprisonment. The maximum penalty for **sexual assault** is 10 years imprisonment and I take note of the three categories described by the High Court in *State v Laca*<sup>1</sup>. I am satisfied that the facts for your offending (for counts 1, 2, 4 & 6) fall within categories 2 and 3.

[7] As the seven counts for which you have been found guilty are of a similar nature, it is appropriate to take an aggregate sentence. This means that I will take a combined sentence for all your offending. I do not lose sight of the fact that the offending occurred over a 2-3 year period.

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<sup>1</sup> [2012] FJHC 1414 (14 November 2012).

[8] In assessing the objective seriousness of your offending in this matter, I have considered the maximum sentence prescribed for rape along with the tariff for rape of juveniles, the degree of culpability, and the manner in which you committed the offences. I give proper consideration to the sentencing guidelines stipulated in section 4 of the Sentencing and Penalties Act 2009. In my view, the appropriate starting point for your offending is 13 years.

[9] The aggravating factors that are present here are considerable. These include:

- i. **Vulnerable victim:** LR was only 9-12 years old.
- ii. **Breach of trust:** You are LR's stepfather and exploited this position.
- iii. **Age difference:** There is an age disparity between you and LR of 29 years.
- iv. **Planning:** For the most part, you chose opportunities where LR's mother was at work to rape and sexually assault LR.
- v. **Impact on victim:** LR has completed a Victim Impact Statement. She speaks of the fear and insecurity she now lives with because of your offending. She fears being around males. Her relationship with her mother, and quite possibly her brothers, is broken. Her mother has supported you through this prosecution and not her daughter. LR has had to move out of the family house and stay with a relative. The psychological impact on LR cannot be understated. Fortunately, she is receiving counselling. LR has written a letter for you explaining that she will forgive you for her mother's sake. However, unquestionably the psychological damage caused to LR by your offending will be permanent.

[10] I add 3 years for these aggravating factors taking your sentence to 16 years.

[11] I will now consider the mitigating factors. Up until this offending you were of previous good character. The Court must leave the door open for rehabilitation. I deduct 1½ years for mitigating factors leaving a balance of 14½ years imprisonment.

[12] I will now consider your non-parole period. The court must impose a non-parole period where you have received a sentence of 2 years or more unless I consider the nature of your offending or your past history make the fixing of a non-parole period inappropriate. The prevalence of sexual offending on children and young persons in Fiji require that a non-parole period is imposed on you. That said, the court must strike a balance between deterrence on the one hand and not discouraging rehabilitation on the other. In all the circumstances, in my view, a reasonable non-parole period for you is 11 years.

[13] Finally, I note that you have already spent about 3 months on remand.<sup>2</sup> I reduce your sentence by the time already spent on remand<sup>3</sup> so that the result is that your actual sentence is 14 years and 3 months and your non-parole period is 10 years and 9 months.

[14] Mr Terotume, would you please stand.

[15] This is a sad day for those close to you. The consequences of your offending have been devastating for your children from your first marriage who will not have your presence during their formative years and to your wife who will not have your support. The consequences are, however, most seriously suffered by LR. The impact for her cannot be measured in years or months. The trauma will be lifelong.

[16] I make the following orders:

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<sup>2</sup> From 1 April 2024 to 30 May 2024 and from 6 June 2025 to the present.

<sup>3</sup> Pursuant to section 24 of the Sentencing and Penalties Act.

- i. You are sentenced to imprisonment for a period of 14 years and 3 months and your non-parole period is 10 years and 9 months.
- ii. The victim, LR, will have permanent name suppression.
- iii. I issue a permanent Domestic Violence Restraining Order against you to protect LR. The order is for a standard non molestation and non-contact conditions pursuant to sections 27 and 29(1),(2)(a),(b) & (e) of the Domestic Violence Act 2009.
- iv. You have 30 days to appeal to the Court of Appeal.



**D.K.L Tuqereqere**  
**JUDGE**

The image shows a blue circular stamp of the High Court of the State of New South Wales. Overlaid on the stamp is a handwritten signature in blue ink. Below the signature, the name 'D.K.L Tuqereqere' and the title 'JUDGE' are printed in bold black text.

**Solicitors:**

Office of Director of Public Prosecutions for the State  
Vosarogo Lawyers for the Accused