

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC 164 OF 2025

BETWEEN : **STATE**

AND : **KITIONE KURUCAWA**

Date of Hearing : **12 September 2025**

Date of Sentence : **30 September 2025**

Counsel : **Ms L Latu for the State**
Mr I Emasi for the Accused

SENTENCING REMARKS

- [1] Kitione Kurucawa, aged 54, stands before this court, having pleaded guilty at the earliest opportunity to four representative counts of rape and two counts of sexual assault. The victim is your 15-year-old step-granddaughter, a particularly vulnerable individual, a Year 9 student enrolled in a Special Needs School.
- [2] The facts establish that these criminal acts were not isolated, but instead were perpetrated on numerous occasions. The offending involved not only sexual violation but was accompanied by threats, violence, and a profound breach of familial trust. It is clear from the record, as well as admissions made in both your caution interview and before the court, that your guilty plea was entered freely and voluntarily and that the facts are not in dispute. The necessity of a trial and its accompanying trauma for the victim has been avoided.

[3] **Aggravating Factors**

Turning to the aggravating factors, these are of the utmost gravity and require considerable emphasis in sentencing.

[4] **Victim Vulnerability**

The victim's status as a minor rendered her inherently vulnerable. That vulnerability was compounded by her attendance at a Special Needs School, which implies further cognitive and adaptive limitations. You were aware of her additional needs and exploited them for your own gratification.

[5] **Abuse of Trust**

Your position as step-grandfather entrusted you with the care, protection, and well-being of the victim. Instead, you exploited that relationship and grossly abused your familial authority over an extended period, aggravating the moral culpability of your actions.

[6] **Persistent and Repeated Offending**

The offending occurred not as an isolated lapse, but as a sustained and repeated violation across multiple occasions, under various pretexts and locations. This established a climate of fear, dependency, and helplessness in the victim.

[7] **Violence and Coercion**

The sexual offending was accompanied by direct physical violence. The victim was subjected to punching, beatings with a stick, forced disrobing, and was continuously threatened with death if she disclosed the abuse. These acts demonstrate the calculated enforcement of silence and the suppression of resistance.

[8] **Lasting Harm**

The consequences for the victim are both immediate and lifelong. As a direct result of your actions, the victim became pregnant and gave birth. Both the medical evidence and victim impact assessments underscore the profound and enduring trauma inflicted, encompassing not only physical consequences but also acute emotional and developmental harm.

[9] **Prevalence and Public Interest**

Such offending, particularly involving familial relationships, is tragically prevalent. Courts must send a clear signal that these offences demand the most severe reprobation, in order to both punish the offender and deter like-minded individuals, thus safeguarding the community.

[10] **Mitigating Factors**

Balanced against these factors are the considerations for mitigation.

[11] **Previous Good Character**

Prior to the offences, the offender was recognized as a person of previous good character, having no recorded criminal convictions and being regarded as someone of good standing in the community. As a father of four and the sole breadwinner for his family in Qoma Village, Tailevu, he demonstrated responsibility by supporting his household through farming, fishing, and selling fish to supplement their income.

[12] **Guilty Plea**

By pleading guilty at the first opportunity, you have not only accepted responsibility but have spared your victim from the further ordeal of giving evidence and cross-examination. This provides procedural efficiency and is to be taken into account in sentencing.

[13] **Remorse and Cooperation**

I take into account your expressions of remorse and full cooperation with law enforcement. These admissions, both in formal interviews and in the courtroom, are recognized as sincere and relevant for sentencing purposes.

[14] **Justification for Sentence**

The maximum sentence for rape under the Crimes Act is life imprisonment. Guideline judgments, such as in *Aitcheson v State*, refer to a sentencing tariff of 11 to 20 years for child rape, but provide for sentences at the maximum or near the maximum in cases that are the "worst of the worst", cases involving sustained familial abuse, resulting pregnancy, and extreme threats and violence (*State v Vukici* [2018] FJHC 1193; HAC104.2017 (14 December 2018)).

[15] The current circumstances fall well within that most serious category. The offending here is not only persistent and exploitative, but is marked by calculated deceit, sustained coercion, repeated violence, and the deliberate infliction of terror.

[16] The extremely vulnerable status of the victim, and the direct and permanent harm caused, including psychological trauma, lost childhood, and the forced assumption of motherhood require the strongest condemnation by this court. The offending is so severe that it undermines the very fabric of familial trust and community safety, eroding confidence that children can be protected within their own homes.

[17] The community expects the courts to impose sentences that appropriately denounce such conduct and provide genuine protection for other vulnerable children.

[18] Although your previous good character and guilty plea are properly credited, under these circumstances, the weight of the aggravating features is so overwhelming as to place this offending in the most severe category of cases known to this jurisdiction. No sentence short of the statutory maximum would adequately reflect the seriousness, the consequences, and ongoing risk, nor the dual mandates of denunciation and deterrence.

[19] **Sentence**

Kitione Kurucawa, the gravity of your offending is unparalleled in its breach of trust and the cruelty, exploitation, and violence you exacted upon a child with special needs. You preyed upon your granddaughter for your own sexual gratification, using violence and threats to enforce her silence, with consequences that are irrevocable. The victim, now a mother at only 15 years of age, has suffered an irretrievable loss of childhood and well-being.

[20] Accordingly, the sentence imposed is as follows:

- **On each count of rape:** Life imprisonment.
- **On each count of sexual assault:** 10 years' imprisonment, to be served concurrently with the sentences for rape.

[21] The time spent in custody, your early guilty plea and your expression of remorse have been considered in determining the period you must serve before becoming eligible for parole. The non-parole period is set at 18 years, with your release subject to the decision of the President, upon the recommendation of the Mercy Commission. Had you not pleaded guilty, your non-parole period could have been more than 24 years.

[22] This sentence is necessary to reflect society's denunciation of such heinous offences, to deter others who might contemplate similar crimes, and to provide protection for vulnerable members of the community.



A handwritten signature in black ink, appearing to be "D. Goundar", written over a horizontal dotted line.

Hon Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for the State

Legal Aid Commission for the Accused