

IN THE FIJI COURT OF APPEAL  
Criminal Appeal No. 20/90

BEFORE THE HON JUSTICE MICHAEL M HELSHAM  
PRESIDENT OF THE FIJI COURT OF APPEAL  
AND THE HON SIR MOTI TIKARAM  
RESIDENT JUDGE OF APPEAL  
AND THE HON MARI KAPI  
JUDGE OF APPEAL

THURSDAY THE FIFTH DAY OF MARCH, 1992 AT 2.15 P.M.

BETWEEN :

LUKE ROKOTORO

APPELLANT

-VS-

S T A T E

RESPONDENT

MR LUKE ROKOTORO

IN PERSON

MS N SHAMEEM &  
MS S KAIMACUATA

FOR THE RESPONDENT

JUSTICE M HELSHAM The Appellant was found guilty on the 10th of September 1990 of the crime of rape. The offence was committed on the 1st of December 1989 and when the matter came before the court on the former date, he pleaded not guilty. He was found guilty by the unanimous decision of the three Assessors, with whose decision the Judge agreed. He was sentenced to serve imprisonment for four years. He has appealed to this court against the severity of the sentence and has placed all the matters that he wished to rely on before the court.

It is unnecessary to detail the facts upon which the court saw fit to pass the sentence that it did. It is sufficient to repeat the words of the learned trial Judge as they appear on page 16 of the record:-

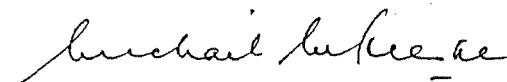
" I can only characterise your act as brutal. You are more than double the size of the complainant you raped and you were armed with a broken beer bottle in order to terrorise her in her own home."

We realise that you are aged about 21 and that you are formerly of good character. We have read the eloquent plea for leniency that was put to the trial Judge by counsel on your behalf which we believe covered all relevant matters that could be said on your behalf.

We have considered all those matters together with the grounds set out in your notice of appeal and in the written submission that you have put before us today. We see no reason to differ from the views of the trial Judge and again I quote from page 16:-

" The offence is such that you deserve a fairly long term in gaol which should also serve as a deterrent for this age group."

The appeal is dismissed.



PRESIDENT

FIJI COURT OF APPEAL