

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 056 OF 2013S

STATE

VS

ERONI TAVATAVANAWAI

Counsels : **Ms. A. Vavadakua for State**
Mr. J. Savou for Accused

Hearings : **5 and 6 November, 2014**

Summing Up : **7 November, 2014**

Judgment : **7 November, 2014**

JUDGMENT

1. The three assessors have returned with a unanimous guilty verdict against the accused for raping the complainant twice in October 2012, by inserting his tongue and finger into her vagina.
2. The three assessors have obviously accepted the prosecution's version of the events. They have accepted the child complainant's version of events. They have rejected the accused's version of events.
3. I have reviewed the evidence called in the trial.
4. I have directed myself in accordance with the summing up I gave the assessors today.

5. The assessors' verdict was not perverse. It was open to them to reach such conclusion on the evidence.
6. Assessors are there to assist the trial judge come to a decision on the guilt or otherwise of the accused. In my view, I accept the unanimous opinion of the assessors. The complainant was a credible witness, and given the assessors' opinion, I accept her as a credible witness. I find that the prosecution had proven its case beyond a reasonable doubt.
7. Because of the above, I find the accused guilty as charged on both counts and I convict him accordingly on those counts.
8. Assessors thanked and released.



Salesi Temo
JUDGE

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