

IN THE HIGH COURT OF FIJI

AT LABASA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 048 OF 2015LAB

STATE

vs

EPELI LEALEAVONO

Counsels : Mr. R. Kumar for State  
Accused in Person, but trial in absentia

Hearings : 11 December, 2017

Summing Up : 12 December, 2017

Judgment : 12 December, 2017

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## JUDGMENT

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1. The three assessors had returned with a unanimous opinion on count no. 2, finding the accused guilty as charged. On count no. 1, the assessors came with a majority opinion (i.e. Assessors 2 and 3) finding the accused guilty as charged on count no. 1. Assessor No. 1 found the accused not guilty as charged.
2. On count no. 2 (rape), it was obvious that the three assessors accepted the prosecution's version of events. It also meant that they accepted the complainant's (PW1) evidence and version of events.

3. On count no. 1, the majority of the assessors (i.e. Assessors No. 2 and 3) accepted the prosecution's version of events, while the minority (i.e. Assessor No. 1) did not accept the prosecution's version of events.
4. I have reviewed the evidence called in the trial and I have directed myself in accordance with the summing up I gave the assessors today.
5. Assessors are there to assist the trial judge come to a decision on whether or not the accused was guilty as charged. The assessors represent the public's view on the case, and their opinions must be taken seriously.
6. On my assessment of the credibility of the only witness i.e. PW1, I find her evidence credible. In my view, she was forthright in her complaint to the court. Like the three assessors on count no. 2, and the majority assessors on count no. 1, I accept PW1's evidence as credible and I accept her version of events.
7. I do not accept the minority opinion on count no. 1, given the majority's opinion on the same.
8. Given the above, I find the prosecution had proven its case against the accused beyond reasonable doubt and I find the accused guilty as charged on both counts and I convict him accordingly on those counts.
9. Assessors thanked and released.



**Salesi Temo**  
**JUDGE**



Solicitor for the State : Office of the Director of Public Prosecution, Labasa.  
Solicitor for the Accused : Accused in Person