

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**CRIMINAL JURISDICTION**  
**CRIMINAL CASE NO. HAC 148 OF 2017S**

**STATE**

**vs**

- 1. JONE VONU**
- 3. WAISAKE LOABURE**
- 5. ROVERETO TAMANIVALU**

**Counsels** : **Ms. L. Bogitini and Ms. S. Tivao for State**  
**Ms. L. Ratidara for Accused No. 1**  
**Ms. S. Daunivesi for Accused No. 3**  
**Ms. A. Prakash for Accused No. 5**

**Hearings** : **13, 14, 15, 16, 17, 20, 21 and 22 August, 2018**  
**Summing Up** : **23 August, 2018**  
**Judgment** : **23 August, 2018**

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**JUDGMENT**

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1. The three assessors had returned with a unanimous guilty opinion on all accuseds, finding them guilty as charged on count no. 1 and 2.
2. Obviously, the three assessors had accepted the prosecution's version of events. It meant they had accepted the prosecution's witnesses' evidence. It also meant they had rejected all three accuseds' denials and had also rejected their alibi defences
3. I have received the evidence called in the trial and I have directed myself in accordance with the summing up I delivered to the assessors today.

4. The assessors' verdict was not perverse. It was open to them to reach such conclusion on the evidence.
5. The assessors are there to assist the trial judge come to a decision on whether or not the accuseds are guilty as charged. The assessors represent the public and their opinions must be taken seriously and respected.
6. Like the assessors, I find the prosecution's witnesses' evidence credible. I accept the complainant's (PW1) evidence that her house was burgled at the material time and her properties as itemized in count no. 2 stolen.
7. I accept PW2's identification evidence concerning all the accuseds. I accept that PW2 saw the accuseds coming out of PW1's house, with the properties, on 2 May 2017.
8. I accept that PW2 was not an accomplice and was an innocent bystander. When putting PW2's evidence against all the accuseds and their witnesses' evidence, I find PW2 a credible witness and I accept his evidence.
9. I reject all the accuseds' denials. I reject accused no. 1 and 3's mother's alibi evidence. If anything, they should not stand up and support their child's wrong doing. Its parents like these who cause problems in our society, who do not teach their children the right way. They pretend to be Christians, but do not follow one of the 10 commandment, that is: "thou shall not steal". They must practise what they preach.
10. On the whole evidence, I find that the prosecution had proven their case against all accuseds beyond reasonable doubt. I find all accuseds guilty as charged. I agree with the assessor's unanimous opinion. I convict all accused as charged.
11. Assessors than and released.



  
**Salesi Temo**  
**JUDGE**

**Solicitor for State** : **Office of the Director of Public Prosecution, Suva**  
**Solicitor for Accused No. 1** : **Legal Aid Commission, Suva**  
**Solicitor for Accused No. 3** : **Legal Aid Commission, Suva**  
**Solicitor for Accused No. 5** : **Legal Aid Commission, Suva**