

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 324 OF 2018S

STATE

vs

INOKE SIVA

Counsels : Mr. E. Samisoni for State
Ms. T. Kean and Ms. M. Cobona for Accused

Hearings : 2, 3, 4 and 5 March, 2020.

Summing Up: 6 March, 2020.

Judgment : 6 March, 2020.

JUDGMENT

1. The three assessors had returned with a unanimous opinion finding the accused guilty as charged.
2. Obviously, the three assessors had accepted the prosecution's version of events, which meant they had accepted the prosecution's witnesses' evidence.
3. It would also appear from the above opinion that the three assessors had rejected the accused's sworn denials.

4. I had reviewed the evidence called in the trial and I had directed myself in accordance with the summing up I delivered to the assessors today.
5. The assessors' unanimous opinion 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 whether or not the accused was guilty as charged. Assessors represent the public, and their opinions must be treated with respect.
7. Like the assessors, I find the prosecution's six witnesses' evidence as credible, and I accept them. I accept that the accused voluntarily admitted the offence to police when cautioned interviewed on 23.7.18. I accept that his confession were the truth. The accused said PW2, the caution interview officer, did not assault or threaten him.
8. I also accept the State's circumstantial evidence as outlined in the summing up.
9. Given the above, I accept the three assessors' unanimous guilty opinion. I find the accused guilty as charged and convict him accordingly.
10. Assessors thanked and released.



Solicitor for the State :
Solicitor for the Accused :

Office of the Director of Public Prosecution, Suva.
Legal Aid Commission, Suva.



Salesi Temo
JUDGE