

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 037 OF 2018S

STATE

vs

VILIAME KAWA

**Counsels : Mr. M. Vosawale and Mr. N. Sharma for State
Mr. M. Young for Accused**

Hearings : 9, 10, 11 and 12 March, 2020.

Summing Up: 13 March, 2020.

Judgment : 13 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. It meant they had accepted the seven prosecution's witnesses' evidence as credible. It also meant they had rejected the accused's sworn evidence.

3. 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.
4. The assessors' opinion was not perverse. It was open to them to reach such conclusion on the evidence.
5. Assessors are there to assist the trial judge in deciding whether or not the accused was guilty as charged. Assessors represent the public and their views must always be treated with respect.
6. Like the assessors, I find the seven prosecution's witnesses' evidence credible and I accept the accused's confession given to the police when he was caution interviewed on 12 and 16 January 2018. In my view, he gave his statement voluntarily and out of his own free will and he said the truth.
7. Given the totality of the evidence, I find the accused was cultivating 15 kg of cannabis sativa at his farm in Yakota, Nakorovou Village, Nakasaleka, Kadavu.
8. I agree entirely with the assessors' unanimous opinion. I find the accused guilty as charged and I convict him accordingly.
9. 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.