

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**CRIMINAL JURISDICTION**

**Criminal Case No. HAC 350 of 2023**

**BETWEEN** : **STATE**

**AND** : **SAKEASI VAKAYARAKIA**

**Counsel** : **Ms U Ratukalou for the State**  
**Mr I Emasi for the Accused**

**Judgment** : **3 April 2024**

**Mitigation/Submissions** : **11 April 2025**

**Sentence** : **25 April 2025**

**SENTENCE**

**(the name of the victim is suppressed, she is referred to as 'NT')**

- [1] Sakeasi Vakayarakia, you appear today for sentence. You have been found guilty following a defended trial of three counts of rape against the victim, NT.
- [2] NT was 14 years old at the time of your offending and, therefore, a juvenile. You were 22 years old.
- [3] You raped NT on two separate occasions. On the first occasion, in October/November 2023, you cornered NT whilst she was visiting your house and forced yourself upon her, penetrating her vagina with your penis. The second occasion was on 18 November 2023. This time you entered, uninvited, NT's home and dragged her into an empty

room and penetrated her vagina with your tongue and fingers. I have no doubt that if NT's mother had not called out to NT while you were assaulting her that you would have proceeded to have had carnal knowledge of NT. On both occasions you had been drinking alcohol at or about the time of the offending.

[4] The following mitigation has been provided on your behalf:

- You are now 23 years old.
- You are studying a carpentry course at university.
- You are a first offender.

[5] You spoke to the Court. You sought forgiveness from NT and your own family. You promised that you would not come to court again.

[6] The maximum penalty prescribed for rape is **life imprisonment**. The tariff for the rape of a juvenile is between 11 to 20 years imprisonment. Two of the counts relate to the same occasion and the other count occurred only days or weeks earlier. As such, it is appropriate to take an aggregate for the three counts. However, I do not lose sight of the fact that the second and third counts reflects a continuation of your initial offending.

[7] In assessing the objective seriousness of your offending in this matter, I have considered the maximum sentence prescribed for rape along with the tariff for rape of juveniles, the degree of culpability, and the manner in which you committed the offence. I give proper consideration to the sentencing guidelines stipulated in section 4 of the Sentencing and Penalties Act 2009. In my view, the appropriate starting point for your offending is 11 years.

[8] The aggravating factors that are present here are:

- i. **Vulnerable victim:** NT was a 14 year-old teenager. You took advantage of her age and your familiarity with NT and her family.
- ii. **Breach of trust:** You are NT's neighbour. Your families have lived next to each other for many years and have become close. NT came over to your house regularly and will have, up until the offending, felt safe at your family house.
- iii. **Age difference:** There is an age disparity between you and NT of 8 years.
- iv. **Impact on victim:** NT has completed a Victim Impact Statement. It is clear she is not the same person she was prior to your offending and that she continues to struggle with the effects of your offending. She states that she is now unable to trust boys. She does not sleep well as the trauma from your assaults is regularly on her mind. She finds it difficult to concentrate at school. She is worried what others think of her. Your refusal to accept responsibility for your offending has made her feel that people think she has made up the allegations. Sadly, she blames herself for what you did to her. NT wrote a letter to you in her Victim Impact Statement setting out the consequences of your crimes on her. I hope you keep that letter and read it from time to time to remind yourself of the pain and damage you have inflicted on NT.

[9] I add 3 years for these aggravating factors taking your sentence to 14 years.

[10] I will now consider the mitigating factors. You are 23 years old and up until this offending you were of previous good character. You are also young. The courts have been mindful to show some leniency for young first offenders. The Court must leave



the door open for your rehabilitation. I deduct 2 years for mitigating factors leaving a balance of 12 years imprisonment.

- [11] I will now consider your non-parole period. The Court must impose a non-parole period where you have received a sentence of 2 years or more unless I consider the nature of your offending or your past history make the fixing of a non-parole period inappropriate. While you were of previous good character, in my view, the prevalence of sexual offending on children and young persons in Fiji require that a non-parole period is imposed on you. The Court must strike a balance between deterrence on the one hand and not discouraging rehabilitation on the other. In all the circumstances, in my view, a reasonable non-parole period for you is 8½ years.
- [12] It is important that there is a measure of consistency between your sentence and sentences for other offenders in similar cases. The decision by the Court of Appeal in *Tuinaserau v State* [2024] FJCA 99 (30 May 2024) is a useful comparison. In that case the Court of Appeal reduced the sentence of the offender from 17 years 8 months (with a non-parole period of 16 years) to 11 years (with a non-parole period of 9 years). The offender was aged 32 years. He digitally raped his 4 year old niece. I am satisfied that your sentence is consistent with the sentences in that case.
- [13] Finally, I note that you have already spent about 4 months on remand.<sup>1</sup> Pursuant to section 24 of the Sentencing and Penalties Act, I reduce your sentence by the time already spent on remand so that the result is that your actual sentence is 11 years and 8 months and your non-parole period is 8 years and 2 months.
- [14] Mr Vakayarakia, would you please stand. You have been found guilty of three counts of rape against NT. The rape of a young person is a heinous crime. It is no coincidence that on the two occasions that you attacked NT you had been drinking alcohol. The consumption of alcohol will have played a role but it is no excuse. You were driven by

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<sup>1</sup> From 23 November 2023 to 15 January 2024 and from 14 February 2025 to the present.

your own selfish lust. In doing so, you have destroyed the once close relationship that existed between your family and NT's family. Worst of all, you have left NT with permanent psychological scars that will be lifelong.

[15] I make the following orders:

- i. You are sentenced to imprisonment for a period of 11 years and 8 months with a non-parole period of 8 years and 2 months.
- ii. The victim, NT, will have permanent name suppression.
- iii. You have 30 days to appeal to the Court of Appeal.



**Solicitors:**

Office of Director of Public Prosecutions for the State  
Office of Legal Aid Commission for the Accused