

IN THE HIGH COURT OF FIJI

AT LAUTOKA

CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC 048 OF 2024

STATE

v

SAMUELA SEMA

Counsel: Ms S. Swastika for State
Mr M. Naivalu for Defence

Date of Judgment: 30 September 2025

Dates of Closing Submissions: 09, 15 October 2025

Date of Sentence : 23 October 2025

SENTENCE

1. After a contested trial, Samuela Sema, you were convicted on multiple sexual offences on the following information filed by the Director of Public Prosecutions:

COUNT ONE

Statement of Offence

INDECENT ASSAULT: Contrary to Section 212 of the Crimes Act 2009.

Particulars of the Offence

SAMUELA SEMA, on the 3rd day of September 2023, at Lautoka, in the Western Division, unlawfully and indecently assaulted **ILISEVA TALEI LEILANI WALE**, by kissing her lips.

COUNT TWO

Statement of Offence

SEXUAL ASSAULT: Contrary to Section 210 (1) (a) of the Crimes Act 2009.

Particulars of Offence

SAMUELA SEMA, on the 3rd day of September 2023, at Lautoka in the Western Division, unlawfully and indecently assaulted **ILISEVA TALEI LEILANI WALE**, by sucking her breast.

COUNT THREE

Statement of Offence

RAPE: Contrary to section 207 (1) and (2) (b) of the Crimes Act 2009.

Particulars of Offence

SAMUELA SEMA, on the 03rd of September, 2023, at Lautoka in the Western Division, penetrated the vulva of **ILISEVA TALEI LEILANI WALE**, with his finger, without her consent.

COUNT FIVE

Statement of Offence

RAPE: Contrary to section 207 (1) and (2) (b) of the Crimes Act 2009.

Particulars of Offence

SAMUELA SEMA, on the 03rd day of September 2023, at Lautoka, in the Western Division, penetrated the vagina of **ILISEVA TALEI LEILANI WALE**, with his tongue, without her consent.

COUNT SIX

Statement of Offence

RAPE: Contrary to section 207 (1) and (2) (a) of the Crimes Act 2009.

Particulars of Offence

SAMUELA SEMA, on the 03rd day of September 2023, at Lautoka, in the Western Division, penetrated the vagina of **ILISEVA TALEI LEILANI WALE**, with his penis, without her consent.

2. Having been convicted, you stand in Court to receive the sentence.

3. You and the victim were police constables based at Lautoka Police Station. On a Sunday, you joined the victim and her two colleagues in drinking alcohol near the Lautoka Police Barracks. By mid-day, you were substantially drunk. The victim went to a room of her friend in the barracks to have lunch. She fell off to sleep in the room. Cpl. Ilisapeci, who were drinking with you, knocked out where you were drinking. You went to the victim and informed her that Cpl. Ilisapeci wanted to see her. The victim believed your words and accompanied you to see Ilisapeci. On the way, you lured the victim into your room saying that you had to get something from your room. When she entered your room, you locked the door. You held her hands and started kissing her lips forcefully. You started sucking her breasts and touched her clitoris. You started licking her clitoris and finally inserted your penis into her vagina forcefully.

4. The maximum sentence for Rape is life imprisonment. The sentencing tariff for adult rape ranges from 7 years to 15 years' imprisonment¹. The starting point is at least seven years' imprisonment. However, there are cases where the proper sentence may be substantially higher or substantially lower than that starting point, depending on the circumstances of the case².

5. In selecting a sentence that fits your offence, I must regard the proportionality principle enshrined in the Constitution and the sentencing principles set out in Section 4 of the Sentencing and Penalties Act 2009 (SPA). I would consider the maximum penalty prescribed for the offence, the current sentencing practice and the applicable sentencing guidelines in crafting your sentence. Having considered the seriousness of the offence and the harm caused to the victim, I would select the appropriate starting point. The final sentence will be determined after making appropriate adjustments for the aggravating and the mitigating factors.

¹ Rokolaba v State [2018] FJSC 12 (26 April 2018); State v Marawa [2004] FJHC 338

² Kasim v State [1994] FJCA 25; Aau0021j.93s (27 May 1994) State v Marawa [2004] FJHC 338);; Rokolaba v State [2018] FJSC 12 (26 April 2018)

6. Sexual offences are on the rise and most prevalent in Fiji. The courts have emphasised that the increasing prevalence of this offence in our community calls for deterrent sentences. The duty of this Court is to see that the sentences are such as to operate as a powerful deterrent factor to prevent the commission of such offences. The offenders must receive condign punishment to mark the society's outrage and to denounce sexual abuse in our society. The Courts are expected to protect our community from sex offenders.
7. I prefer to impose an aggregate punishment for all five offences, pursuant to Section 17 of the Sentencing and Penalties Act.
8. Having taken into consideration the seriousness of the offence, the culpability and the harm caused to the victim, I select a starting point of 7 years from the bottom of the sentencing tariff.
9. The Counsel from both sides filed helpful sentencing/ mitigation submissions for which I am grateful. The following aggravating and mitigation factors have been identified which will be used to make appropriate adjustments to the starting point:

Aggravating factors:

- (a). You committed this offence on a vulnerable victim when she was drunk.
- (b). You were drunk. You committed this offence under influence of alcohol.
- (c). The victim and your partner were good friends from their school days. The victim joined the drinking party to socialise and entered your room because she trusted you. You breached that trust.
- (d). The evidence revealed that the victim was traumatised. She kept away from work for almost three weeks.
- (e). You lied to the victim and lured her into your room to commit the offence. It was not an opportunistic rape as your counsel suggested. You planned it to satisfy your lustful demands.

Mitigating Factors:

- (a). You are 28 years of age and married with two children.
- (b). You are a first offender. You have maintained a clear record until you committed this offence.
- (c). You cooperated with police. You beg mercy of this court having tendered an apology to the victim.

10. According to the State, you had spent approximately one months in remand before the trial. I would consider your remand period as part of your sentence already served. I add 2 years to the starting point of 7 years for the above-mentioned list of aggravating factors to arrive at an interim sentence of 9 years' imprisonment. I reduce 1 year for the mitigating factors and remand period to arrive at a sentence of 8 years' imprisonment.

11. You are relatively young and a first offender. I believe you have a good potential for rehabilitation. To balance rehabilitation with other sentencing purposes, I impose a non-parole period of 6 years.

12. Summary

Samuela Sema, you are sentenced to an imprisonment term of eight (08) years with a non-parole period of six (06) years. You are eligible for parole after serving six (6) years in the correction facility.

13. You have 30 days to appeal to the Court of Appeal.



A handwritten signature in black ink, appearing to read "Aruna Aluthge".

Aruna Aluthge

Judge

23 October 2025

At Lautoka

Solicitors:

Office of the Director of Public Prosecutions for State
Law Naivalu for Defence