

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

Criminal Case No: HAC116 of 2012

BETWEEN : **THE STATE**
AND : **TUI MATEO**
BEFORE : **HON. MR. JUSTICE PAUL MADIGAN**
Counsel : Mr. J. Niudamu for State
Accused in person
Dates of hearing : 2nd & 3rd April 2013
Date of conviction : 3rd April 2013
Date of sentence : 5th April 2013

SENTENCE

[1] Tui Mateo you have been convicted in this Court of the following offence:

Statement of Offence

RAPE: Contrary to section 207(1)(2)(a) of the Crimes Decree No. 44 of 2009.

Particulars of Offence

TUI MATEO on the 16th day of March 2012, at Suva in the Central Division had carnal knowledge of a girl namely MEREWAIRITA RASEKA without her consent.

[2] The facts are that on the 16th March 2012, a 19 year old lady was passing your house to visit her boyfriend when you waylaid her telling her that her boyfriend wasn't home. She sat on your step but you pulled her into your house, closed the door and raped her. You are actually a

friend of her boyfriend but you say you didn't know she was his girlfriend.

- [3] At the time you were 42 years old and the lady was 19. You used threats to weaken her at the time and I regard the big age difference as an aggravating factor.
- [4] The maximum penalty for rape is life imprisonment and the Court of Appeal held in ***Kasim*** CA14/1993 that rapes of women over 18 must attract a sentence of at least seven years.
- [5] You have shown no remorse in Court, even to the extent of telling me after conviction that you didn't do it. You have 2 ex-wives and three children and you say that you support them all. You told me in evidence that you also have over 100 girlfriends, but I find that very difficult to believe. You have previous convictions for assault and possession of drugs which don't allow me to give you credit for good character.
- [6] I take a starting point for this rape of 8 years and I add 2 years to that for the aggravating features of age difference and use of threats of violence. There is very little mitigation in your favour but I do allow you one year discount for your family circumstances meaning that the total sentence you will serve for this crime is 9 years. You will serve a minimum of 7 years before being eligible for parole.

Paul K. Madigan
JUDGE

At Suva
5 April 2013