

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 094 OF 2013S

STATE

VS

- 1. JOSEVATA LESUMAILODONI**
- 2. APIMELEKI WAQANACEVA**
- 3. VILIAME QATIVI**

Counsels : Mr. T. Qalinauci for the State
Mr. M. Fesaitu for Accused No. 1
Mr. E. Koroi for Accused No. 2
Accused No. 3 in Person

Hearings : 12, 13, 16 and 23 to 25 June, 2014

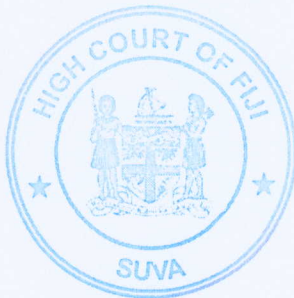
Summing Up : 26 June, 2014

Judgment : 26 June, 2014

JUDGMENT

1. The three assessors have returned with a unanimous guilty verdict against Accused No. 1 and 2 on count no. 3, and a unanimous guilty verdict against Accused No. 3 on count no. 1 to 4.
2. Obviously, the three assessors had accepted the prosecution's version of events, which is based fundamentally on the three accuseds' confessions, when caution interviewed by police. In other words, the three assessors have accepted that each accused voluntarily confessed to the crimes alleged against them.

3. I have directed myself in accordance with the Summing Up I gave the assessors today.
4. I have reviewed the evidence called in the trial.
5. In my view, the three assessors' verdict 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 conclusion on the guilt or otherwise of the accuseds. In my view, I accept the assessors' verdict. I accept their position that the three accused voluntarily confessed to the crimes alleged against them. I accept the prosecution's witnesses' evidence and I find them credible. I reject Accused No. 3's denials, as I find him not to be a credible witness.
7. I find Accused No. 1 and Accused No. 2 guilty as charged on count no. 3. I find Accused No. 3 guilty as charged on count no. 1 to 4. I convict them accordingly on those counts.
8. Assessors thanked and released.




Salesi Temo
JUDGE

Solicitor for the State	:	Office of the Director of Public Prosecution, Suva.
Solicitor for Accused No. 1	:	Legal Aid Commission, Suva.
Solicitor for Accused No. 2	:	E. Koroi, Barrister & Solicitor, Suva.
Solicitor for Accused No. 3	:	In Person