

IN THE HIGH COURT OF FIJI

AT LABASA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 048 OF 2016LAB

STATE

VS

VILIAME VALO

Counsels : Ms. A. Vavadakua for State
Ms. C. Choy and Mr. J. Korotini for Accused

Hearings : 13 and 14 December, 2017

Summing Up : 15 December, 2017

Judgment : 15 December, 2017

JUDGMENT

1. The three assessors had returned with a unanimous guilty opinion on all counts i.e. they found the accused guilty of the two counts of rape i.e. counts no. 1 and 3, and guilty of one count of sexual assault (i.e. count no. 2)
2. Obviously, the three assessors accepted the prosecution's version of events, which meant they accepted the complainant's evidence and version of events. The above also meant they had rejected the accused's sworn denials.

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. Assessors are there to assist the trial judge come to a decision on whether or not the accused was guilty as charged. The assessors represent the public view on the case and it must be taken seriously, especially when they are unanimous.
5. Like the three assessors, I find the complainant a credible witness and I accept her evidence and version of events. In my view, she was forthright in her answers and she was telling the truth. PW3's evidence merely supported the complainant's version of events. The doctor's evidence also supported the complainant's version of events.
6. The accused's evidence was not credible in my view and thus I reject his denials.
7. Given the above, I accept the three assessors' unanimous opinion and I find the accused guilty as charged on all counts. I convict him accordingly on those counts.
8. Assessors thanked and released.



Salesi Temo
JUDGE



Solicitor for State : Office of the Director of Public Prosecution, Labasa
Solicitor for Accused : Office of Legal Aid Commission, Labasa