

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**CRIMINAL JURISDICTION**  
**CRIMINAL CASE NO. HAC 064 OF 2017S**

**STATE**

**vs**

**ISOA RAINIMA**

**Counsels** : **Ms. K. Semisi, Ms. S. Lodhia and Mr. J. Andrew for State**  
**Mr. L. Qetaki and Mr. N. Chand for Accused**

**Hearings** : **15, 16, 17, 18, 19 and 22 October, 2018**

**Summing Up** : **24 October, 2018**

**Judgment** : **24 October, 2018**

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**JUDGMENT**

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1. The three assessors had return with a unanimous opinion finding the accused guilty as charged on all the eleven counts in the information.
2. Obviously, they had accepted the prosecution's version of events, which meant, they had accepted the prosecution's witnesses' evidence.
3. It also meant they had rejected the defence's alibi defence and had rejected DW1's evidence.
4. 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.
5. The assessors' unanimous opinion 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 decision on whether or not the accused was guilty as charged. The assessors represent the public and their views, in cases such as the present, must be taken seriously and respected.
7. The prosecution's case largely depended on the complainant's evidence. Her evidence, as to what happened to her, on 30 December 2016, when she was attacked at Holland Street, and repeatedly raped thereafter, was not seriously disputed by the defence. I accept PW1's evidence on what happened to her on 30 December 2016. In my view, she was a credible witness.
8. I also accept her identification evidence. In my view, her identification evidence was of a high quality and bearing in mind the **R v Turnbull** test, I accept her identification evidence. In my view, her evidence passed the **R v Turnbull** test and I hold that she correctly identified the accused, at the material time.
9. As to the defence's alibi witness, that is Ms. Luise Liku Paoni (DW1), I find her not to be a credible witness. She was close to the accused. Compared with PW1's evidence, DW1's evidence was not credible. Therefore I reject the same.
10. Looking at the totality of the evidence, the prosecution had proven its case beyond a reasonable doubt. I thus agree with the three assessors' unanimous opinion and find the accused guilty as charged on all counts. I convict him as charged on all the eleven counts.
11. Assessors thanked and released.



  
**Salesi Temo**  
**JUDGE**

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