

IN THE HIGH COURT OF FIJI
AT SUVA
[CRIMINAL JURISDICTION]

Criminal Case No. HAC 115 of 2018[LTK]

BETWEEN : STATE

AND : JOHN GEOFFREY NIKOLIC

Counsel : Mr L J Burney, Mr Y Prasad, Ms S Kiran for the State
Mr W Pillay for the Accused

Date of Hearing : 28 - 31 January, 1 February, 11 - 19 February 2019

Date of Judgment : 28 February 2019

JUDGMENT

- [1] Following my summing up, the assessors' unanimous opinion is that the accused is guilty of importation of an illicit drug as charged on counts one and three and guilty of possessing arms and ammunition without an arms licence as charged on count five.
- [2] I direct myself in accordance with my summing up. My findings of facts are as follows.
- [3] The accused was in control of the yacht (the vessel) on which the two packages containing 13 bars of powdery substances and the two packages containing substances in tablet form, arms and ammunition and US\$15,000.00 cash were found by the Customs officers on 22 June 2018. These items were concealed and hidden in different compartments of the vessel. The vessel had arrived from abroad when the discovery was made.

- [4] Following the discovery of the first package containing 10 bars, I accept that the accused under caution uttered words to the effect “I know what you are looking for. There’s another 3 bars hidden on the opposite side of the same hatch behind the water tanks”. This statement of the accused shows that he was at least aware of the existence of the packages that contained the powdery substances. I accept the statement to be true as a further package containing 3 bars was retrieved by the Customs officers from the location disclosed by the accused. After discovery of the powdery substances the accused attempted to halt the search effort by inflicting self-harm.
- [5] I accept that the substances that were retrieved from the vessel on 22 June 2018 are the same substances that were tested and found to be illicit drugs and produced in court as exhibits without tampering or contamination.
- [6] I accept the evidence of the scientific tests that the 13 bars of powdery substances are cocaine and the substances in tablet form is cocaine and methamphetamine. Cocaine and methamphetamine are illicit drugs within the meaning of the Illicit Drugs Control Act.
- [7] I accept that the accused did not have a lawful authority to either import or possess an illicit drug.
- [8] I accept that arms and ammunition found on the vessel are arms and ammunition within the meaning of the Arms and Ammunition Act. There is no suggestion by the accused that he had an arms licence under the Arms and Ammunition Act.
- [9] I accept that the declaration in C2-C Form that the accused was the person in charge of the vessel as true.
- [10] All these facts lead me to a sure conclusion that the accused brought into Fiji illicit drugs, and arms and ammunition on the vessel he was in control of. I find the accused guilty of importation of an illicit drug as charged on counts one and three and possessing arms and ammunition without an arms licence as charged on count five. The accused is convicted as charged on these three counts.



A handwritten signature in blue ink, appearing to be "D. Goundar", written over a dotted line.

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Hon. Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for the State
Gordon & Co. for the Accused