

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**CRIMINAL JURISDICTION**

**Criminal Case No. 012 of 2013**

**STATE**

**v**

**SAMUELA VAKARURU**

Counsel: Mr. L. Fotofili for the State  
Mr. S. Waqanaibete with  
Mr. M. Fesaitu (L.A.C.) for the Accused.

Date of trial: 5, 6 & 7 August 2014

Date of Judgment: 8 August 2014

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**JUDGMENT**

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You, **Samuela Vakaruru** have been charged with the following offence:

***Statement of Offence***

**MURDER**: Contrary to section 237 of the Crimes Decree, 2009.

***Particulars of Offence***

**SAMUELA VAKARURU** on the 18<sup>th</sup> day of December 2012 at Suva in the Central Division, unlawfully assaulted ANTHONY PAUL TOKELAU thereby causing his death and at the time of the assault, **SAMUELA VAKARURU** was reckless as whether death would be caused.

2. After trial and direction on the law, three assessors have unanimously opined that you be not guilty of murder but guilty of the lesser offence of manslaughter.
3. On the 18<sup>th</sup> December 2012 you visited your cousin because you had heard he had been in your house the night before attempting to steal your stereo. The evidence of your assault on the deceased is both overwhelming and alarming. You suggested in a caution interview that you assaulted the deceased in self defence, but your acts were so violent and relentless, they totally nullify any possible application of that defence.
4. Evidence was also agreed that the deceased was perhaps assaulted by others, but even if he was your brutal attack to his head and face with fists and steel capped boots can only have been a substantial contribution if not the only contribution to his cause of death which was haemorrhage to the brain.
5. Your punches, kicks and stomping were so forceful, the recklessness of the attack is ambiguous as to risk of death or risk of serious bodily harm – and I must therefore accede to the obvious view of the assessors that it was the latter.

6. I agree with the unanimous opinion and find you not guilty of murder but guilty of manslaughter and I convict you of the offence of manslaughter.
7. That is the judgment of the Court



At Suva  
8 August 2014.

A handwritten signature in black ink, appearing to read "P. Madigan".

**P.K. Madigan**  
**Judge**