

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 097 OF 2014S

STATE

vs

- 1. SAMUELA KACI**
- 2. APENISA TUBAKILAKEBA**

Counsels : **Mr. M. Vosawale and Ms. S. Lodhia for State**
Ms. T. Leweni for Accused No. 1
Mr. P. Tawake for Accused No. 2

Hearing : **5 to 8 April, 11 and 12 April, 2016**

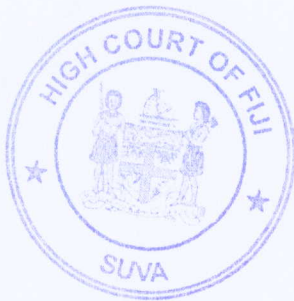
Summing Up : **14 April, 2016**

Judgment : **14 April, 2016**

JUDGMENT

1. The assessors had returned with a unanimous verdict finding Accused No. 1 and 2 not guilty of murder, but guilty of the manslaughter of Veresa Tubuanakoro on 23 February 2014.
2. Obviously, the assessors had not accepted the prosecution's version of events on the murder allegation, but had accepted the alternative verdict of the manslaughter of the deceased.
3. I have reviewed the evidence called in the trial and I've directed myself in accordance with the Summing Up I delivered to the assessors today.

4. The assessors' verdict was not perverse, it was open to them to reach such conclusion on the evidence.
5. Assessors are there to assist the trial judge come to a conclusion on the guilt or otherwise of the accuseds.
6. On this case, I will rely on the assessors' view of the facts. I accept their decision and opinion. I find the accuseds not guilty of murder, but guilty of the manslaughter of Veresa Tubuanakoro on 23 February 2014. I therefore acquit both accuseds of the murder of Veresa Tubuanakoro on 23 February 2014 and convict them on his manslaughter on the same date. I rule so accordingly.
7. Assessors thanked and released.




Salesi Temo
JUDGE

Solicitor for State : **Office of the Director of Public Prosecution, Suva.**
Solicitor for Accused No. 1 : **T. Leweni, Barrister and Solicitor, Suva.**
Solicitor for Accused No. 2 : **Legal Aid Commission, Suva.**