

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 099 OF 2017S

STATE

Vs

TIMOCI LOLOHEA

Counsels : Ms. S. Navia and Ms. W. Elo for State
Mr. A. Qetaki for Accused

Hearings : 30 April, 1, 2, and 3 May, 2018

Summing Up : 7 May, 2018

Judgment : 7 May, 2018

Sentence : 8 May, 2018

SENTENCE

1. In a judgment delivered yesterday, the court found you guilty and convicted you on the following information:

Statement of Offence

MURDER: *Contrary to section 237 of the Crime Act of 2009*

Particulars of Offence

TIMOCI LOLOHEA on the 20th day of March 2017 at Nasitu in the Central Division **murdered**
ELENOA DICOVI by stabbing her with two knives.

2. The facts were as follows: On the date of the murder, you were 55 years old, while the deceased, Ms Elenoa Dicovi was 23 years old. The deceased had been your defacto wife

since 2012. You met her when she came to stay with you and your legal wife at Nadonumai, Suva. She was 18 years old at the time and you were 51 years old. Your legal wife was her aunty. You started a relationship with her, and the two of you had a daughter. You obviously loved the deceased. She worked for you initially in your logistic company. Then she later found work at Damodar City cinema as an usher. She began to work late at night.

3. You found out later that she was having an affair with a new boyfriend. You confronted her and she admitted the same. She left you as a result. She took you two's daughter to Labasa. She later moved into Lot 26 Nasilivata Street as a live in nanny. You tracked her down to Nasilivata. You pleaded with her to return to you. She refused. You were angry and jealous. You couldn't accept that she was leaving you. You planned to kill her. On 20 March 2017, you went to Lot 26 Nasilivata Street. You called her. She came to you. You then repeatedly stabbed her with two knives. You admitted you intended to stab her to death.
4. The matter was reported to police. An investigation was carried out. You were caution interviewed by police on 20 and 21 March 2017 at Valelevu Police Station. You admitted to police that you stabbed the deceased to death and that you intended to cause her death. On 22 March 2017, you appeared in the Nasinu Magistrate Court charged with murdering the deceased. You have been tried and convicted of her murder in the High Court.
5. There is only one sentence for murder and that is a mandatory life imprisonment (section 237 of the Crimes Act 2009). The law gives the court power to fix a minimum term to be served before a pardon may be considered by His Excellency the President of the Republic of Fiji (section 119 of the 2013 Constitution of the Republic of Fiji).
6. Ms. Elenoa Dicovi, as an 18 year old, choose to go out with you. You were already married to her aunty and 51 years old at the time. You made her your defacto wife. She spent the next 5 years of her life with you. Obviously there was a lot of love during that time because you two had a daughter together. In 2016 or thereabout, she began an affair with another person. You later found this out. You began to assault her. You were angry at her for breaking you two's "matrimonial vows". She left you. You were jealous that she had gone out with another person. You pleaded with her to return to you. She refused. You then planned to kill her. On 20 March 2017, you took two knives, located her and repeatedly stabbed her to death. You

obviously intended to cause her death. There was absolutely no need for you to kill her. There were several non-violent options open to you to choose from to tackle the problem. However, you choose murder. You will have to pay the price for choosing that option and that is mandatory life imprisonment.

7. You are 56 years old. You have a clear record until 2015, when you had two convictions of "absconding bail" and "assault occasioning actual bodily harm". This was the year you were experiencing matrimonial difficulties. Prior to 2015, you had a clear record. You served 18 years in the Republic of Fiji Military Force and rose to the rank of Warrant Officer Class 2. You made eight overseas tour of duty while in the military. It would appear you had served the country well while in the Fiji Military. You left the Fiji Military in 1994 and then worked as a private security officer for overseas contractors from 1994 to 2011, serving in volatile areas around the world. You obviously had worked hard for your family. You had been remanded in custody for one year one month seventeen days. However, the tragedy was that Ms. Elenoa Dicovi had lost her life.
8. I sentence you to the mandatory life imprisonment. Given the matters mentioned above, I set 18 years as the minimum term to be served before a pardon may be considered by His Excellency the President of the Republic of Fiji.
9. You have 30 days to appeal to the Court of Appeal.




Salesi Temo
JUDGE

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