

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

CRIMINAL CASE NO. HAC 189 OF 2019

BETWEEN : STATE

AND : WANG QI YONG

Counsel : Ms K Semisi & Mr J Nasa for the State
Mr J Korotini for the Accused

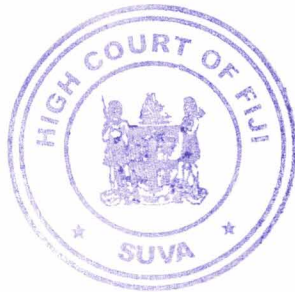
Date of Hearing : 31 August – 1 September 2020

Date of Judgment : 2 September 2020

JUDGMENT

- [1] The assessors have returned with a unanimous opinion that the Accused is guilty of the murder of Gao Lei on the 13 May 2019.
- [2] I direct myself in accordance with the evidence and the law set out in my summing up. The prosecution case in a nutshell is that the Accused manually strangled the victim to death with either an intention to cause death or that he knew of a substantial risk that the victim will die by his act and having regard to the circumstances known to him, he was not justified to take the risk. The defence case is that the Accused did not have an intention to kill the victim and that the act of strangulation occurred suddenly without thought when he was provoked by the victim and when he defended himself from the physical attacks of the victim.
- [3] I feel sure that the Accused manually strangled the victim to death at her residence on the 13 May 2019. The medical evidence is that significant force was used to strangle the victim. I feel sure that the admissions made by the Accused to police are true.

- [4] I feel sure that the force that the Accused used to strangle the victim was out of all proportion to the anticipated attack (scratching and slapping) by the victim. The force used by the Accused to strangle the victim to death was unreasonable, and therefore, he cannot have been acting in self defence.
- [5] I feel sure that a person having the powers of self-control to be expected of an ordinary, sober person, of the Accused's age and sex would not have been provoked to lose his self-control and do what the Accused did in this case. I feel sure that the Accused intended to cause death or was aware of a substantial risk that death will occur and I also feel sure that there was no provocation in the legal sense.
- [6] I accept the unanimous opinion of the assessors and find the Accused guilty of the murder of Gao Lei on the 13 May 2019 at Suva. He is convicted as charged.



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Hon. Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for the State
Legal Aid Commission for the Accused