



- [3] The following morning when the offender woke up, the victim offered him further sexual services to which the offender agreed. He offered a payment of \$300.00 to the victim for the services, but she demanded an extra \$100.00. When the offender refused to pay the extra \$100.00 the victim prevented him from leaving the bedroom by locking the door and blocking his way. The offender pushed the victim to the side and the argument ended up in a physical scuffle. She scratched him on the neck and slapped his hand. He got furious. He reacted by grabbing her neck with his hands and strangling her till she lost consciousness.
- [4] According to the medical evidence the victim died of asphyxia by manual strangulation. The force used was significant. The victim died within 15-30 seconds.
- [5] After strangling the victim, the offender remained in the bedroom until other occupants of the house discovered the body of the victim inside her bedroom with the offender. Under caution the offender admitted strangling the victim but said he was provoked and that he did not intend to kill her. He offered to plead guilty to manslaughter but the State rejected that offer. The offender was convicted after trial.
- [6] Murder is punishable by life imprisonment with a judicial discretion to set a minimum term before a pardon may be considered.
- [7] The victim was a young female living and working on a foreign land. She was working in the sex industry, which is a risky business. The court has not been advised of the victim's circumstances at her home country for her to enter into sex industry in a foreign land. But she was vulnerable and she lost her life working in the sex industry. The court's duty is to denounce the killing and taking away of a human life.
- [8] I accept that this was not a premeditated killing. The offender is a first time offender. He regrets his actions. He himself is a foreigner and has a family in China. He acted on the spur of the moment when he could not control his anger. The duration of violence was short (15-30 seconds). For these reasons I have decided not to impose a minimum term.

[9] The offender had spent about 1 year 3 months in custody on remand.

[10] The offender is sentenced to life imprisonment. It is a matter for the State to decide whether the offender is to serve his sentence in Fiji or to be deported to China.



A handwritten signature in black ink, consisting of stylized initials "DG" followed by a horizontal line that tapers to a point on the right.

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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