

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**CRIMINAL JURISDICTION**  
**CRIMINAL CASE NO. HAC 225 OF 2019S**

**STATE**

**VS**

**MOSESE KOROI SIGABALAVU**

**Counsels** : **Ms. E. Rice for State**  
**Ms. S. Nasedra and Ms. L. David for Accused**

**Hearings** : **16, 17, 18, 19 and 22 March, 2021**

**Judgment** : **23 March, 2021.**

**Sentence** : **24 March, 2021.**

---

**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 Crimes Act 2009.***

***Particulars of Offence***

***MOSESE KOROI SIGABALAVU on the 7<sup>th</sup> of June 2019 at Suva in the Central Division murdered SEINI TAGILALA.”***

2. The facts of your case demonstrated once again the all too familiar problem of young males' inability to control their temper in relating to their female partners. On the day of the murder, that is, 7 June 2019, you were 28 years old and the deceased, your girlfriend, was 25 years old. She was pregnant with your child at the time. From the morning of 7 June 2019, you two started arguing from the Studio 6 Hotel, where you two spent the night on 6 June 2019. The argument concerned your continued attachment to an ex-girlfriend.
3. During the argument, you punched your girlfriend's head and face several times. On checking out of the hotel after 10 am, you two spent the day consuming liquor. You two returned to your residence at 22 Stock Street, Nasese at 6.45 pm. You two continued to argue. You again assaulted her head and face several times. As a result of the above, she suffered serious head and brain injuries. She was taken by police to CWM Hospital early morning on 8 June 2019, where she was pronounced dead on arrival. You had been tried and convicted of her murder in the High Court.
4. 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).
5. The deceased, Ms. Seini Tagilala, chose to go out with you in 2019. You two were obviously in love as you two had been going out for 7 months. The deceased was carrying your unborn child. You were farming in Kadavu, while the deceased worked in Suva. You both lived with your parents at 22 Stock Street, Nasese. Obviously, you two were working to start a family. However, your

uncontrolled temper had the better of you. After been accused of infidelity by the deceased, you unfairly unleashed extreme violence on her that led to her death. This kind of behaviour cannot be tolerated by right thinking members of society, and you must accept that you have to be punished accordingly.

6. You had been remanded in custody since June 2019, that is, approximately 1 year 9 months ago. I understand you have a 4 year old daughter.
7. 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.
8. Because of a misunderstanding of what a minimum term means, let me quote what His Lordship Mr. Justice Goundar said in **State v Yogesh Rohit Lal**, Criminal Case No. HAC 46 of 2019, High Court, Labasa (13 February 2020):

*“...Let me explain to the offender the effect of fixing a minimum term. Once a minimum term is fixed the offender cannot apply for a pardon until he had served the fixed term. After serving the fixed term he may apply to the President to pardon him upon advice of the Mercy Commission, but it is not necessary that he will be granted one. In the event the offender is not granted a pardon, he remains in prison till death...”*

I endorse His Lordship’s view abovementioned.

9. You have 30 days to appeal to the Court of Appeal.



**Solicitor for State** :  
**Solicitor for Accused** :

A handwritten signature in blue ink, appearing to read 'Salesi Temo'.

**Salesi Temo**  
**JUDGE**

**Office of the Director of Public Prosecution, Suva**  
**Legal Aid Commission, Suva**