

JOHN MATAPAZA, REX AISA AND FRANCIS KUTONO-v-REGINA

HIGH COURT OF SOLOMON ISLANDS
(Mwanosalua, J.)

Criminal Case No: 167 of 2006

Hearing: 6th July 2006
Ruling: 14th July 2006

M. Swift for the Applicants
P. Little for the Crown

RULING

Mwanosalua, J: This is an application for bail by John Matapaza, Rex Aisa and Francis Kutono. They have been charged with murder and other offences which the Crown alleged that they committed on 11th June 2000 at Gizo, Western Province. They have been in custody prior to their committal for trial in the High Court. They wanted to be released on bail to wait for their trial on a date yet to be fixed.

The Applicants have been accused of the murder of a man in Gizo. There is evidence that the First and the Second named Applicants were in the group of men which shot the deceased man with a high powered weapon on the head which caused his death. The First and the Second named Applicants were seen with guns like the other members of the group at the scene of crime. A gun was subsequently recovered from a room occupied by the Second named Applicant at the Gizo Hotel. There is also evidence that the First named Applicant assaulted John Amemea and Graciano Aru with the butt of his gun.

Murder is a very serious offence. There is prima facie evidence against the First and Second named Applicants. That evidence is made up of eye witness evidence. That evidence is strong and not weak as contended on behalf these two Applicants. Their application for bail is refused. The Third named Applicant was not identified at the scene of Crime. There is no direct evidence to support the murder charge laid against him. He will be granted bail.

I have accepted Mary Mahin working in the Papua New Guinea High Commission to be surety for the Third named Applicant in the sum of \$1000.00. She is the Cousin brother of this Applicant. This Applicant is to live with Mary Mahin in Honiara or at an appropriate accommodation identified in Honiara by Mary Mahin to the Court. This Applicant is to report every Friday to the Central Police Station in Honiara between the hours of 8am. and 4pm.

The Papua New Guinea passport and/or travel documents for this Applicant are to be deposited with the court. Mary Mahin is to enter into and sign the Recognisance in the sum of \$1000.00 before the Applicant is released from Custody. I order accordingly.

Francis Mwanosalua
Puisne Judge