

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 067 OF 2014LTK

STATE

vs

LIVAI LINO

Counsels : **Mr. A. Singh for State**
Ms P. Chand and Mr. S. Luvena for Accused

Hearings : **15, 16, 17 and 18 August, 2017**

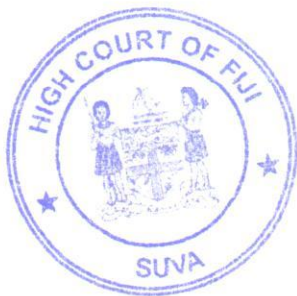
Summing Up : **21 August, 2017**

Judgment : **21 August, 2017**

JUDGMENT

1. The three assessors had return with a unimous opinion finding the accused guilty as charged.
2. Obviously, the assessors had accepted the prosecution's version of events, and accepted the prosecution's witness's evidence as credible.
3. I have reviewed the evidence called in the trial and I have directed myself in accordance with the summing up I gave the assessors today.
4. The verdict of the assessors was not perverse. It was open to them to reach such conclusion on the evidence.

5. Assessors are there to assist the trial judge come to a decision on whether or not the accused was guilty as charged.
6. On the evidence, I accept the three assessors' guilty opinion. I accept that the accused, at the material time, stabbed the deceased in the chest (conduct). The stabbing caused injuries to the deceased's chest and lungs and body, resulting in excessive loss of blood, which lead to his death. I find that when he stabbed the deceased, he intended to cause his death. Alternatively, he was also reckless in causing the deceased's death.
7. In my view, given Doctor Peni Biukoto's evidence, the accused was not mentally impaired at the material time. He knew what he was doing (i.e. stabbing the deceased) and he knew it was wrong.
8. I accept, the evidence of the prosecution's two witnesses
9. Given the above, I agree with the assessor's unanimous guilty opinion. I find the accused Guilty as Charged and I convict him of murder accordingly.
10. Assessor thanked and released.




Salesi Temo
JUDGE

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