

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 200 OF 2014S

STATE

vs

JULIAN HEINRICH

Counsels : **Ms. J. Fatiaki and Ms. U. Tamanikaiyaroi for State**
Mr. S. Valenitabua for Accused

Hearings : **27 and 28 February, 1 and 2 March, 2017**

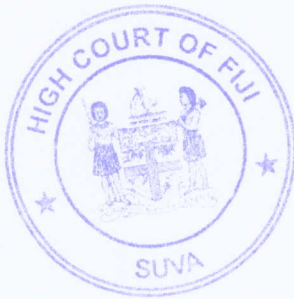
Summing Up : **3 March, 2017**

Judgment : **3 March, 2017**

JUDGMENT

1. The three assessors had returned with a unanimous not guilty verdict for the accused. They have found him not guilty of the manslaughter of Sione Tufui on 21.6.14.
2. Obviously, the three assessors had not accepted the prosecution's version of events. They appear not to have accepted the prosecution's witnesses evidence.
3. The assessors are there to assist the trial judge come to a decision on whether or not the accused is guilty as charged. They offer their opinions which might help the trial judge. But the final decision on whether or not the accused is guilty as charged belongs to the trial judge and the trial judge alone. He is not bound by their opinion.
4. On the evidence, I do not accept the assessors' unanimous not guilty opinion.

5. On the evidence and the credibility of the witnesses' evidence, I find the accused guilty as charged and I convict him accordingly.
6. I will give my written reasons on Monday, the 6th of March 2017.
7. Assessors thanked and released.




Salesi Temo
JUDGE

Solicitor for State : **Office of the Director of Public Prosecution, Suva**
Solicitor for Accused : **S. Valenitabua, Barrister and Solicitor, Fiji and Nauru**