

IN THE HIGH COURT OF FIJI AT SUVA

CASE NO: HAC. 124 of 2020

[CRIMINAL JURISDICTION]

STATE

V

SAILOSI CABENAGAUNA NAIVALURUA

Counsel : Ms. S. Tivao for the State
Ms. T. Kean with Mr. E. Sau for the Accused

Hearing on : 03 - 10 February 2021

Summing up on : 11 February 2021

SUMMING UP

Madam and gentleman assessors;

1. It is now my duty to sum up the case to you. Please remember that you should accept the directions on law that I will be giving you in this summing up and should apply those directions when you evaluate the evidence in this case in order to determine whether the accused is guilty or not guilty. You should ignore any opinion of mine on the facts of this case unless you agree with that opinion. You are the judges of facts.
2. As I have told you in my opening address, your opinion should be based only on the evidence presented inside this court room. If you have heard, read or

otherwise come to know anything about this case outside this court room, you must disregard that information.

3. Evidence you should assess in this case is what the witnesses said from the witness box inside this court room, the admitted facts and the exhibits tendered. A few things you heard inside this court room are not evidence. This summing up is not evidence. Arguments raised by the lawyers for the prosecution and the defence during the proceedings, their questions and comments are not evidence. A suggestion made by a lawyer during the cross examination of a witness is not evidence unless the witness accepted that suggestion. The arguments and comments made by lawyers in their addresses are not evidence. You may take into account those arguments and comments when you evaluate the evidence only if you agree with them.
4. You must not let any external factor influence your judgment. You must not speculate about what evidence there might have been. You must approach the evidence with detachment and objectivity and should not be guided by emotion. You should put aside all feelings of sympathy for or prejudice against, the accused or the deceased. No such emotion should influence your decision.
5. You and you alone must decide what evidence you accept and what evidence you do not accept. You have seen the witnesses give evidence before this court, their behaviour when they testified and how they responded during cross-examination. Applying your day to day life experience and your common sense as representatives of the society, consider the evidence of each witness and decide how much of it you believe. You may believe all, part or none of any witness' evidence.
6. When you assess the testimony of a witness, you should bear in mind that a witness may find this court environment stressful and distracting. Witnesses have the same weaknesses you and I may have with regard to remembering facts.

Sometimes we honestly forget things or make mistakes when recalling past events.

7. In assessing the credibility of a particular witness, it may be relevant to consider whether there are inconsistencies in his/her evidence. That is, whether the witness has not maintained the same position and has given different versions with regard to the same issue. You may also find inconsistencies when you compare the evidence given by different witnesses on the same issue. Inconsistencies may lead you to question the reliability of the evidence given by a witness.
8. This is how you should deal with any inconsistency you may come across. You should first decide whether that inconsistency is significant. That is, whether that inconsistency is fundamental to the issue you are considering. If it is, then you should see whether there is any acceptable explanation for it. In this regard, you may bear in mind that the passage of time will affect the accuracy of memory. Memory is fallible and you might not expect every detail given by a witness to be the same from one account to the next.
9. Accordingly, if there is a significant inconsistency in the evidence given by a witness, it might lead you to conclude that the witness is generally not to be relied upon and reject the entire evidence of that witness; or, you may reject the part of that witness' evidence that you may find unreliable given the inconsistency and accept the part of the evidence you consider reliable; or if you find that the inconsistency has been duly explained you may disregard the inconsistency and accept the entire evidence of the witness as reliable.
10. You may also consider the ability and the opportunity a witness had, to see, hear or perceive in any other way what the witness said in evidence. You may ask yourself whether the evidence of a witness seem reliable when compared with

other evidence you accept. These are only examples. It is up to you how you assess the evidence and what weight you give to a witness' testimony.

11. Based on the evidence you decide to accept, you may decide that certain facts are proved. You may also draw inferences based on those facts you consider as directly proved. You should decide what happened in this case, taking into account those proven facts and reasonable inferences. However, you should bear in mind that the inference you draw should be the only reasonable inference to draw from the proven facts. If there is a reasonable inference to draw against the accused as well as one in his favour based on the same set of proven facts, then you should not draw the adverse inference.
12. In this case, there are certain facts which are agreed by the prosecution and the defence. You have been given copies of those admitted facts. You should consider those facts as proven beyond reasonable doubt.
13. As a matter of law you should remember that the burden of proving the guilt of the accused always lies on the prosecution. An accused is presumed to be innocent until proven guilty. This means that it is the prosecution who should prove that the accused is guilty and the accused is not required to prove that he is innocent. The prosecution should prove the guilt of the accused beyond reasonable doubt in order for you to find him guilty. You must be sure of the accused's guilt.
14. In order to prove that an accused is guilty of the offence, the prosecution should prove all the elements of that offence beyond reasonable doubt. If you have a reasonable doubt in respect of any element of the offence the accused is charged with, as to whether the prosecution has proved that element, then you must find the accused not guilty of the offence. A reasonable doubt is not a mere imaginary doubt but a doubt based on reason. I will explain you the elements of the offence in a short while.

15. You are not required to decide every point the lawyers in this case have raised. You should only deal with the offence the accused is charged with and matters that will enable you to decide whether or not the charge has been proved.
16. Please remember that you will not be asked to give reasons for your opinion. In forming your opinion, it is always desirable that you reach a unanimous opinion. But it is not necessary.
17. Let us now look at the Information. The Director of Public Prosecutions has charged the accused for the following offence;

Statement of Offence

Murder: contrary to section 237 of Crimes Act of 2009.

Particulars of Offence

SAILOSI CABENAGAUNA NAIVALURUA on the 21st day of April, 2020 at Suva in the Central Division murdered **TEVITA QALOBULA**.

18. To prove the offence of Murder, the following elements must be proved beyond reasonable doubt;
 - a) the accused
 - b) engaged in a conduct
 - c) that conduct caused the death of a person
 - d) accused intended to cause the death of that person,or
accused was reckless as to causing the death of that person by the conduct.
19. The following facts are admitted in this case;
 1. *The deceased in this matter is Tevita Qalobula, a 40 year farm hand working at Goodman Fielder, Bennett Farm, Colo-i-Suva.*
 2. *On 21 April 2020 the deceased and Sailosi Naivalurua worked together at Goodman Fielder, Bennett Farm, Colo-i-Suva [the farm]. At the tea room an argument ensued. Sailosi Nivalurua had alleged that the deceased had taken his mobile phone.*

3. *After the argument the deceased went to Shed No. 6 at the farm. Sailosi Naivalurua then went to complain to the security officer that the deceased had taken his phone. The security advised Sailosi Naivalurua to call the police.*
4. *Thereafter Sailosi Naivalurua returned to Shed No. 6 at the farm where the deceased was, with a Cane Knife.*
5. *Sailosi Naivalurua then used the Cane Knife and struck the deceased three times resulting in the deceased's hand being severed and, several lacerations on the deceased's body.*
6. *Sailosi Naivalurua then slapped the flat side of the Cane Knife to the deceased cheek.*
7. *Sailosi Naivalurua was Caution Interviewed on the 22nd April 2020 by Acting Sergeant 3007 Jitendra.*
8. *Sailosi Naivalurua had voluntarily participated in a video scene reconstruction at the farm.*
9. *The Photographic booklet photographed by DC 5090 Inoke is agreed to [attached as annexure 1].*
10. *The Cane Knife Photographed in photograph no. 7 and 8 in the Photographic booklet was the same knife used by Sailosi Naivalurua to strike the deceased.*
11. *The same cane knife that was photographed above was the same cane knife uplifted from the scene and exhibited by police.*
12. *PC Incoe Tuiloaloa had drawn a sketch plan of the farm where the alleged incident occurred. The Rough Sketch and the fair sketch of the scene of the incident is agreed to [attached as annexure 2].*

Additional Admitted Facts

1. *That the deceased [Tevoita Qalobula] died from Hypovolemic Shock due to Traumatic Left Hand Amputation and Multiple Lacerations.*
 2. *The Post Mortem Report of Doctor Praneel Kumar is agreed to and attached as annexure 1.*
 3. *Sailosi Naivalurua admits that his conduct of striking the deceased with the cane knife three times causing the deceased left hand to be amputated and multiple lacerations which in turn substantially caused his death.*
20. Now, let me take you through the evidence led in this case. Please remember that I will only refer to evidence which I consider important to explain the case and the applicable legal principles to you. If I do not refer to evidence which you consider important, you should still consider that evidence and give it such weight you may think fit.

21. The prosecution led the evidence of five witnesses. After the prosecution case the accused was explained his options according to law. The accused chose to give evidence on oath.

22. The first witness for the prosecution was Eremasi Koroi ("PW1"). He said that;

- a) *On the 21st of April, 2020 he was working as a grass cutter at Goodman Fielder Bennett Farm. He started work around 7.00am. When he was about to start cutting the grass, the accused came and asked him to be his witness, to say that the deceased went inside their changing room where the accused had left his phone before it went missing. He said that he did not witness that. When the accused came to him for the second time making the same request, he told the accused to raise the matter with the security or with the manager, or call the police. After that the accused went back to look for the phone.*
- b) *Thereafter, while he was cutting grass, he heard someone calling out for help from 'shed-6' saying "please help me". Shed-6 was close by, and he went towards that shed quickly. He saw the deceased sitting on the ground, holding onto one arm where the hand in that arm from the wrist onwards was missing. He said that the accused was about to use the knife, standing behind the deceased. The accused was also angry. He said that the accused was holding the knife beside his legs.*
- c) *He was shocked when he saw this and he shouted out to the accused. Then the accused looked at him, stopped using the cane knife and started walking towards where he and Jeremia were standing. The accused walked past them holding the knife and went outside. When he got close to the deceased, he noticed an injury on the back close to the neck area and also on the arm in which the hand was severed.*

23. The second witness for the prosecution was Mr. Jeremaia Nivaluvou ("PW2"). He said that;

- a) *On 21/04/20 he worked as a security at Bennett Farm, Colo-i-suva. He was at the main entrance guard room. At about 7.30am the accused came to him and complained to him that the deceased had taken his phone. He told the accused to raise that with the supervisor. The accused came back after 5 minutes and told him that the co-workers do not bother even to listen to him. When the accused came to him on the first occasion, he was breathing heavily, his words were so harsh, and he was angry. When the accused came to him the second time he told the accused that he cannot do anything and told him to call the police. At this time, when he saw the accused's eyes, he noticed that the accused is really angry. Then the accused went towards the staff room. He said that the accused was angry and it was like the accused hated all the co-workers.*
- b) *While he was writing his report on the conversation he had with the accused, he could hear someone shouting out saying "oilei". He ran towards where that*

shouting came from and he saw the accused and the deceased. The deceased was lying on the ground, covering his head with the hand and was saying, "I want to live, I want to live". He noticed that the deceased's left hand was missing from the wrist and he saw blood shooting out. The accused was pointing the knife to the deceased. He said he saw the accused striking the deceased with the cane knife. He was 7 footsteps away from the deceased and the accused and Eremasi was about 10 footsteps away from him but was in front of him.

- c) He shouted out saying 'Kai' and then the accused turned and walked towards him, striking the knife on the ground. The accused was looking down while walking and he heard the accused saying "nobody else was there". He identified the cane knife the accused was holding that day in court and it was tendered as PE3. He then with Eramasi, attended to the deceased.*
- d) Answering questions posed to him by the court, he said that he did not see any one of the three injuries he saw on the deceased being inflicted. He said that he saw the accused strike the deceased with the knife two times and this was when the deceased was 'lying in the drain'. But then he said the first strike was towards the deceased's head and since the deceased was covering his head with his hand, the knife struck the hand under the arm. Though he initially said that he saw the accused strike twice with the knife, he then said that after the aforesaid first strike, the accused slapped the deceased on the head 2 – 3 times, using the flat side of the knife. He also said that the accused's back was towards him when he witnessed this.*
- e) During cross-examination he admitted that Eremasi was closer to the place where the incident took place than him. He said that, first he saw the accused striking the deceased with the knife, and when he shouted out, the accused turned and then slapped the deceased before he came out.*

24. The third prosecution witness was Mr. Savororo Tumairuru ("PW3"). He said that;

- a) On the 21/04/2020, he was at work as a farm hand at Goodman Fielder Bennett Farm located at Coloi-i-Suva. When he came to the tea room around 7.15am with his manager, the accused was there. His manager told him to write down the pre-shift work to be done on that day. He saw the accused go up to the changing room to look for the accused's phone. The deceased sat down on the bench outside the tea room after punching in. Then the accused came back and started questioning the deceased about the phone. He said the accused was angry when he questioned the deceased and the deceased also got angry.*
- b) He said the argument ended with the deceased telling the accused that the accused can check his bag. After he read out the pre-shift, he went to his workplace and the*

accused was still there in the tea room when he left. This was after 8.00am. The deceased went to the shed to hang the empty sack. While he was at his workplace, another worker informed him that there is a problem and then he ran to the tea room. There he saw the transport was parked near shed no.6. When he ran towards the vehicle, he saw the deceased sitting on the ground and that the deceased was bleeding heavily.

- c) He said he found the accused's phone two days later in the same shed the accused went to look for his phone. This was when he was loading the sacks kept in that shed into a vehicle. The phone was found 'at the bottom' of those sacks. The said phone was tendered as PE4.*
- d) During cross examination he agreed that the deceased was bigger in built compared to the accused. He agreed that he found the accused's phone only because he had to load the empty sacks into a truck. He said that the said phone was underneath the sacks.*

25. The fourth witness for the prosecution was Dr. Praneel Kumar ("PW4"). He said that;

- a) He completed his MBBS in 2010 from Fiji School of Medicine, and then obtained a Post Graduate Diploma in Pathology in 2014 from the College of Medical Science at FNU.*
- b) He said he conducted the post mortem examination of the deceased in this case. The report was tendered as PE5. He said the time of death was 1530 hours on 23/04/2020. During the external examination he noted that the left hand had been amputated and then replanted. The second injury he noted was a 70mm cut on the inner left forearm. The third injury was a fracture on the left arm near the elbow. The fourth injury was a 90mm cut on the chest closer to the left armpit. The fifth injury was a 20mm cut on the nape of the neck. He explained that it is the area where the hair ends.*
- c) In his opinion the cause of death was hypovolemic shock. That is, the situation caused by insufficient blood in the body to supply oxygen to the vital organs. He said that two main arteries that are located at the side of the hand were cut when the hand was amputated resulting in excessive blood loss.*
- d) During cross-examination he admitted that the 20mm laceration on the neck is not a life-threatening injury. He said the 70mm cut and the 90mm cut were also not life-threatening.*
- e) Answering the questions posed by the court, he said the deceased may have bled during the operation when the doctors were trying to do the replant and accordingly he admitted that what may have taken place at the hospital also would have contributed to the death.*

26. The fifth prosecution witness was Police Officer Jitendra Chand ("PW5"). He said that;

- a) *He conducted the scene re-construction in this case. The relevant video footage was played in court. During cross examination he said that the piece of wood that was seen in the video was collected and exhibited by the police during the investigation.*

27. The accused said in his evidence that;

- a) *He got the opportunity to work at Goodman Fielder because he received the highest marks in Accounting and Geography. He was offered a scholarship. He worked there for 6 months.*
- b) *On 21/04/20 he went in to the changing room after he first went to the tea room. Because he realised that he had left his lunch at the tea room, he went to the tea room leaving his phone in the changing room. He picked his lunch and came back as fast as he could. He saw the deceased urinating outside the changing room. The deceased asked him whether he saw 'Tai' saying that Tai walked in front of him. He told the deceased that he had not seen Tai. When he entered the changing room he realised that his phone is missing. Because the deceased mentioned Tai, he went and checked the log book to see whether Tai had reported to work. The name was not there. Then he confronted the deceased outside the tea room regarding the phone. The deceased while holding onto a hammer told him "if you say anything about the phone, you know what I will do to you". Then the night shift security arrived and he again got the courage to talk to the deceased. When the security asked him what's happening, he told the security that 'it seems like he is telling me that he took the phone but he doesn't want to show it'. Then when the security tried to talk to the deceased, the deceased told the security officer that "do not listen to this boy, because he consumes marijuana'.*
- c) *He was really disappointed when the deceased said this. The security then told him to check again in the changing room. So he followed that instruction and checked again in the changing room. After that he went to the security booth and complained to the other security that no one is taking him seriously. That security officer told him to call the police, or anyone at a higher position. He went down and tried to call his supervisor using Noel's phone but there was no answer. He called the OHS Department, but he was told that he should first inform the supervisor. He went back to the security and informed him that he called the OHS and the supervisor. Then the security told him to check once more in the tea room.*
- d) *He went to the tea room to look for the phone and opened the lock. But as he entered the tea room, the first thing he saw was a cane knife. He thought he should go and tell the deceased that he would forget about the phone and the deceased should not say anything about him. He took the knife, put it in his gumboots and left the tea room. He said that he thought that the deceased is going to hurt him when the*

deceased said "you know what I will do to you". He felt afraid to beg for the phone from the deceased and he took the knife in case the deceased takes the hammer.

- e) He went down to shed-6 and the deceased was hanging the Pul. He told the deceased that he would forget the issue about his phone if the deceased forgets the issue about him. He said that he told the deceased that though the deceased had been making him angry, he had been forgiving the deceased. He also explained to the deceased of what he is facing and how he has been feeding his siblings. It seemed that the deceased was not interested in what he was saying. He thought that it was important to explain the deceased believing that the deceased would understand. After that, out of frustration, he didn't realise that he had hit the deceased with the knife.
- f) At this time the deceased was hanging the Pul and he was behind the deceased. He said that he hit the deceased at the back of the right shoulder and he was shocked when he realised what had happened. He then moved back and the deceased got hold of a piece of timber and hit him with it. When the deceased hit him the first time he blocked with his arm. He said and demonstrated that while he was covering himself and looking away, he swung the knife two times. He said he believe that the first swing would have cut off the deceased's left hand and the second swing struck the deceased's left chest and left arm. He realised that the left hand is missing when his knife struck the deceased's left arm on the second occasion. Then the deceased started walking backwards and slipped. Then the deceased admitted taking the phone and apologised. He then cried in anger and told the deceased that because the deceased lied to him about the phone it made him hurt the deceased. While the deceased lay on the ground he approached the deceased and the deceased started kicking him. He slapped the deceased with the flat side of the blade and told him that he should stop with the lies.
- g) During this period he heard the security, the grass cutter and the co-workers shouting. Then when he saw them come down towards him, he went up thinking about his siblings. He didn't want any one of them to catch him and take him to the police because he wanted to see his siblings first. So he took the knife with him.
- h) He said that he met Eremasi before he wanted to go to the security before the incident. He went home the next morning because a friend advised him not to go the same night. After that he went to the police station.

28. You would note that, according to the charge, it is alleged that the accused murdered the deceased on 21/04/20. But according to the evidence, the deceased died on 23/04/20. That is a defect in the charge. However, you should ignore that defect as the said variance had not caused any prejudice to the accused given the circumstances in this case. Now let us look at the elements of the offence.

29. The first element of the offence is concerned with the identity of the person who committed the offence. There is no dispute in this case in relation to this element.
30. "Engage in a conduct" means –
 - (a) do an act; or
 - (b) omit to perform an act.
31. However the conduct should be a product of the will of the accused in order for that conduct to constitute a physical element of an offence. In order to prove the second element, the prosecution has to prove beyond reasonable doubt that the act of the accused in question was deliberate and not accidental.
32. The accused has admitted that his conduct substantially contributed to the death of the deceased. This admission in fact constitutes the third element of the offence. According to the medical evidence which is not disputed by the defence and as expressly admitted by the defence, the amputation of the hand contributed substantially to the death of the deceased.
33. So, what was the conduct of the accused in relation to this element as established by the evidence?
34. It is pertinent to note that none of the prosecution witnesses had seen how the amputation take place. When PW1 and PW2 (and also PW3) came near shed 6, the deceased's hand was already severed.
35. You may remember that PW2 did say that he saw the accused striking the deceased two times with the cane knife, but he later changed his version and said the second time, the accused slapped the deceased with the knife. Regarding the first strike he said he saw, his evidence was that it was directed towards the head but because the deceased covered his head with his hand, the knife struck under the arm and he pointed at an area underneath the upper arm. However, the medical evidence did not reveal that there was an injury in that region. Secondly,

PW2's evidence was that the deceased was lying down when this happened and by that time the hand was already severed. Thirdly, PW1 who appear to have reached the place of the incident before PW2 does not talk about the accused striking the deceased in such a manner. You heard the accused's evidence that he only slapped the deceased with the flat side of the cane knife after the deceased slipped.

36. Above all, there is an admitted fact to the effect that the accused struck the deceased three times resulting in the deceased's hand being severed. According to the accused, the first strike was towards the shoulder while he was standing behind the deceased and the next two strikes were delivered while the deceased was facing him where the first of those two strikes may have cut off the deceased's hand given that he noticed the missing hand after the second strike.
37. Therefore, given the evidence before you, you may conclude that it is the act of swinging the cane knife that resulted in the deceased's left hand being separated from the wrist.
38. In relation to the third element, the prosecution should prove beyond reasonable doubt that the conduct of the accused caused the death of the deceased. However, the act of the accused need not be the sole or principal cause, but the act should substantially contribute to the death. As I have already pointed out, in this case the accused admits that his conduct substantially contributed to the death of the deceased.
39. With regard to the fourth element which concerns the state of mind of the accused, the prosecution should prove beyond reasonable doubt either, the accused intended to cause the death of the deceased or that the accused was reckless as to causing the death of the deceased. The prosecution should prove only one of the two limbs of this fourth element. It is not possible to have direct evidence regarding a person's state of mind as no witness can look into the accused's mind and describe what it was at the time of the alleged incident.

However, you can deduce the state of mind of an accused from the facts and circumstances you would consider as proved.

40. In order for you to conclude that the accused intended to cause the death of the deceased, you should be sure that he meant to bring about the death or that he was aware that death will occur in the ordinary course of events as a result of his conduct.
41. The defence says that there were opportunities for the accused to strike the deceased with the cane knife in a manner that would cause the death of the deceased, but the accused did not do that. In view of this evidence, the defence argues that the accused did not have the intention to kill the deceased. The accused also said in his evidence that he had no intention to kill the deceased. You should consider all the evidence and draw appropriate inferences to ascertain whether the accused had the intention to cause the death of the deceased.
42. In the event you find that the accused did not have the intention to cause the death of the deceased or you are not sure whether the accused had that intention, you should then consider whether the accused was reckless as to causing the death of the deceased. The accused was reckless with respect of causing the death of the deceased, if;
 - a) The accused was aware of a substantial risk that the death will occur due to his conduct; and
 - b) Having regard to the circumstances known to the accused, it was unjustifiable for him to take the risk.
43. What you have to consider with regard to this particular state of mind is whether the accused did foresee or realise that death of the deceased was a probable consequence or the likely result of his conduct; and yet he decided to go ahead and engage in the conduct regardless of that consequence. That is, the accused must foresee that death was a probable consequence or the likely result of his

conduct and after realising that, if he decided to go ahead and engage in that conduct regardless of the likelihood of death resulting, then he was reckless as to causing the death of the deceased. In order to constitute the offence of murder by recklessness, actual awareness of the likelihood of death occurring must be proved beyond reasonable doubt.

44. Accordingly, in view of the accused's conduct on 21/04/20 as established by the evidence you would decide to accept, and when the accused swung the knife towards the deceased that resulted in the deceased's left hand being severed, are you sure that the accused foresaw that death of the deceased was a probable consequence of swinging the cane knife or the likely result of that act, and having realized that he decided to go ahead and swing the cane knife towards the deceased?
45. If you decide that the evidence does not establish beyond reasonable doubt that the accused intended to cause the death of the deceased and the accused was reckless as to causing the death of the deceased, then you should consider whether the accused is guilty of the lesser offence of manslaughter.
46. The offence of manslaughter has the same first three elements of murder. But it is an offence having a lesser culpability than murder. The distinction between the two offences is found in the fourth element which concerns the state of mind of the accused. When it comes to the offence of manslaughter, what is required to be proved is that the accused intended or was reckless as to the risk, that the conduct will cause serious harm.
47. Therefore, what you need to consider is, given events that unfolded on 21/04/20 as established by the evidence you would decide to accept, given the circumstances faced by the accused as established by the evidence you would decide to accept, given the decision of the accused to take the cane knife with him to confront the deceased, given the manner the accused used the cane knife that caused the injuries found on the deceased as you would decide based on the

evidence you would decide to accept; whether you are satisfied beyond reasonable doubt that the accused intended to cause serious harm to the deceased by swinging his knife towards the deceased or whether the accused was reckless as to the risk of causing serious harm to the deceased.

48. Any re-directions?

49. Madam and Gentlemen Assessors, that is my summing up. Now you may retire and deliberate together and may form your individual opinion on the charge against the accused. When you have reached your separate opinion you will come back to court and you will be asked to state your separate opinion. You may peruse the exhibits that were tendered in this case.


50. Your opinion should be as follows;

Murder – guilty or not guilty

If not guilty

Manslaughter – guilty or not guilty




Vinsent S. Perera
JUDGE

Solicitors;

Office of the Director of Public Prosecutions for the State
Legal Aid Commission for the Accused