

**THE CROWN**

**-V-**

- 1. TOLUHAMA MALEKAMU**
- 2. TUPOUNIUA MALEKAMU**

**BEFORE THE HON. JUSTICE SHUSTER AND JURY**

**COUNSEL:** Mr. Sisifa and Miss. L Macomber for the Crown and Mr. Tu'utafaiva for the defendants

**ARRAIGNMENT DATE:** 8<sup>th</sup> April, 2011

**TRIAL DATES:** 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> October, 2011

**JURY VERDICT**

At the conclusion of the summing up in this case both defendants were placed in the hands of the jury for their deliberations at 12:50 on 27<sup>th</sup> October 2011.

The jury retired to consider their verdicts at 12:51 on 27<sup>th</sup> October 2011

The jury indicated to my Associate that they had reached a verdict and returned to court at 14:40 hours.

On their return to court - and in open court the jury foreman was asked if the jury had reached a verdict upon which they were all agreed in respect of count one in indictments CR69 and 71 of 2011 - the jury foreman replied they had.

The jury foreman asked if he could speak first - before going any further the foreman indicated that all of the jury had had found the first defendant GUILTY of MURDER.

The court asked the foreman if that was the true verdict of all. The jury foreman replied- Yes it was and the first defendant was - convicted on count one - in the indictment in file CR68-201 1.

The court asked if the jury had reached a verdict on the second defendant on which they were all agreed the jury foreman replied yes. The court asked did the jury find the second defendant guilty or not guilty on the first count of murder in file CR 71 -2011 the foreman replied- GUILTY and the second defendant was convicted.

The court is satisfied that they were both unanimous verdicts.

The jury was thanked for their part in these proceedings the court appreciated their service to the community and the criminal justice system.

The court informed both defendants that there were two sentences for the crime of murder which are fixed by law - they are (1] death or (2] life imprisonment.

The court asked Crown Counsel Mr. Sisifa for their views on sentencing, Mr. Sisifa indicated it was discretionary and perhaps a Probation Service Report should be obtained.

Mr. Sisifa indicated they were first time offenders. The Court said that it was unnecessary to obtain a Probation Service Report because the sentence for murder was fixed by law and Mr. Tu'utafavia agreed.

Accordingly both convicts were sentenced to LIFE IMPRISONMENT for the crime of murder starting from today's date.

Counts two and three - are to be left to lie on the file, and are to be marked - Not to be proceeded with without the leave of this Court or the Court of Appeal.

A handwritten signature in black ink, appearing to read "Shuster J.", is centered on a light green rectangular background. The signature is written in a cursive style with a checkmark at the end.

SHUSTER J  
JUDGE OF THE SUPREME COURT

T. L. Piei