

IN THE SUPREME COURT OF SAMOA

HELD AT APIA

BETWEEN: POLICE

Informant

A N D: TA'ALOGA SIILATA  
of Siusega and Neiafu

Defendant

Counsel: G Latu and M Tuatagaloa for the prosecution  
R T Faaiuso for the defendant

Hearing Date: 9 July 1998

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**SENTENCE**

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Taaloga Siilata, you have been found guilty of causing grievous bodily harm. On 18 May this year you stabbed Fatuvale with a knife. That knife wound collapsed Fatuvale's lung and caused him a life threatening injury.

The sad facts of this case have been recorded by me in an oral decision which has now been typed up so I do not intend to repeat those facts. The aggravating features of your crime are these:

- You stabbed a man in the side with a large knife penetrating the structure surrounding his lungs.
- The injury that he suffered was severe and you are very fortunate that he did not die.

A very great deal can be said however in mitigation of penalty.

There was in this case a very great degree of provocation.

You had been attacked in the morning by one youth and possibly punched by Fatuvale. Later in the day you turned down two opportunities, two challenges to fight Fatuvale's friends.

When a fight started you were trying to break it up when Fatuvale turned on you. You feared for your safety from boys who were strangers to you approaching with stones.

You stabbed Fatuvale in panic so that you could escape. You have expressed sorrow for the wound that you caused to Fatuvale and he has forgiven you his injury.

You have never appeared before a Court before. You have no previous convictions.

For all of those matters you are entitled to credit it when it comes to sentencing you today.

You are an unsophisticated young man who has had a hard life. You lost both of your parents at a young age and the uncle with whom you went to live has since migrated. You are now left as sole supporter of the family.

Personal considerations however cannot weigh too heavily in the balance in a case such as this. Those who use weapons in a fight and cause serious wounds must go to prison.

It must be made clear that this community will not tolerate weapons being used in fights, and imprisonment is necessary to discourage other young men who might think that they should use weapons in fights in the future.

If it were not for the mitigating features that I have referred to you would be going to jail for three years. In all the circumstances you are sentenced to eighteen months imprisonment



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Moran J