

Particulars of Offence

SAKIUSA SOKO on the 10th of December, 2022 at Suva in the Central Division, assaulted **METUISELA BALEIVANUASO** which caused the death of the said **METUISELA BALEIVANUASO** and at the time of the assault was reckless as to the risk that his conduct would cause serious harm to **METUISELA BALEIVANUASO**.

2. You pleaded guilty to this offence on the 19th of February, 2024, and admitted the summary of facts read to you in open Court. Satisfied that you fully comprehended the legal effect of your plea and that your plea was voluntary and free from influence, I now convict you for this offence as charged in the Information.
3. It was revealed by the summary of facts that the Deceased, with another, heavily intoxicated after a night in the Night Club, had walked past the food stall of the Accused, where you were selling food parcels. The Deceased and his friend tripped over and fell towards the food table, leaving the food parcel on the ground. You came and punched the Deceased when he got up. The Deceased fell backwards on the road, hitting his head on the tar-sealed road due to the impact and force of the said punch. The Deceased was taken to the hospital but died while receiving treatment.
4. The maximum sentence for Manslaughter is twenty-five years imprisonment. The tariff for Manslaughter ranges from a suspended sentence, where there has been a great deal of provocation, to 12 years imprisonment, where there has been minimal provocation.
5. The Deceased's death has undoubtedly caused a devastating impact on his family. Therefore, the level of harm is substantially high. You got angry when the Deceased fell over on your food table. With that anger, you punched him once, which ultimately caused the death of the Deceased.
6. You pleaded guilty at the first opportunity, showing remorse and repentance for committing this crime. You co-operated with the Police during the investigation and

admitted your act during the caution interview. There is no record of any previous conviction. You are 44 years old and looking after your mother and child. You are entitled to a substantive discount for your previous good character and early plea of guilty, showing your remorse.


7. Considering the foregoing reasons, I sentence you to three (3 years) imprisonment.
8. The Fiji Court of Appeal in Vakaruru v State [2018] FJCA 124; AAU94.2014 (the 17th of August 2018) discussed the appropriate circumstances of imposing a suspended sentence for the offence of Manslaughter, where Sharma JA observed that:

“The current sentencing trend for the offence of manslaughter under the Crimes Act appears to be between 5 years to 12 years imprisonment. The above sentencing range does take into account the objectives of section 4 of the Sentencing and Penalties Act. Section 26 (2) (a) of the Sentencing and Penalties Act gives the High Court the powers to suspend a final sentence if it does not exceed three (3) years imprisonment. Accordingly, there is no need to establish a new tariff for the offence of manslaughter. A sentencing court can impose a suspended sentence based on the circumstances of the offending, a tariff may be construed as a restriction or may even confuse a sentencer. In exceptional cases a sentencing court should consider suspending a sentence. (emphasis added)”

9. Considering the seriousness of this crime, the purpose of this sentence, opportunities for rehabilitation, the minimum violence involved and the presence of provocation due to the falling of the Deceased on your food stall, I partially suspend your sentence. Accordingly, you shall serve 12 months of your sentence forthwith, and the remaining 24 months are suspended for three years. Considering the nearly three months you have spent in remand custody before this sentence, the actual period you have to serve is **nine (09) months** imprisonment.

10. It is important to note that if you engage in any criminal activity within the next three (3) years and are subsequently found guilty by the Court, you will be subjected to charges and prosecution under Section 28 of the Sentencing and Penalties Act.
11. Thirty (30) days to appeal to the Fiji Court of Appeal.




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Hon. Mr. Justice R.D.R.T. Rajasinghe

At Suva

28th March 2024

Solicitors

Office of the Director of Public Prosecutions for the State.

Office of the Legal Aid Commission for the Accused.