

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC. 40 of 2015

BETWEEN: STATE

PROSECUTION

AND: ETONIA VOSA

ACCUSED PERSON

Counsel: Ms. D. Kumar for State
Ms. T. Kean for Accused

Sentence: 16th June 2015

S E N T E N C E

1. Etonia Vosa, you were convicted on your own plea of guilty by this court for Attempted Murder of your ex-wife Vaciseva Seru. You pleaded guilty to the charge on the available first opportunity in court, admitted the summary of facts and I found that your plea of guilty was unequivocal.
2. The brief facts of the case are, the complainant was residing with her children in a flat at Howell Road, Suva. You spent the Christmas and New Year with the complainant. On the 2nd January 2015 between 3.30 – 4.00pm the complainant asked you to leave as she was angry due to an argument the previous night.

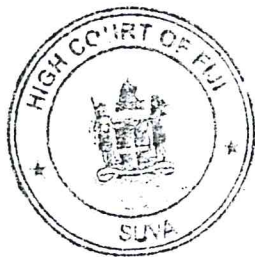
3. You asked her for food and you ate the food that was served by her in the kitchen. The complainant was in her bedroom. You picked up a kitchen knife and when the complainant was coming towards the kitchen you stabbed her several times on her upper body with the intention to kill her. She used her arms to defend herself and she fell in the bathroom. You threw the kitchen knife when the blade bent. The complainant then pushed you and ran away and she noticed the children watching and crying. You tried to stop the complainant from running out of the house by grabbing her arm. The complainant ran and called for help. You walked away from the complainant's flat and you were put under citizen's arrest and were escorted to police station in a taxi.


4. The complainant's medical report revealed the following lacerations.
 1. 2cm x 0.5mm on front left forehead
 2. 1cm x 0.1mm on upper left eyebrow
 3. 3cm x 0.5mm on upper left arm
 4. 4cm x 0.5mm on left wrist
 5. 1cm x 1mm on left posterior elbow
 6. 2cm x 0.5mm on left posterior elbow
 7. 2cm x 0.5mm on left posterior elbow.
 8. Stab wound on her neck which was repaired by surgery.

5. The punishment prescribed for the offence of attempted murder in terms of the Crimes Decree 2009 is mandatory life imprisonment.

6. Therefore I sentence you to life imprisonment. Now I will consider the minimum period you have to serve before being considered for pardon. The aggravating factors are:

1. Use of a weapon.
 2. Nature of injuries to the complainant.
 3. It is a domestic violence offence.
 4. You committed the offence in the presence of your small children.
7. The mitigating factors are:
1. You pleaded guilty at the earliest opportunity.
 2. You are a first offender.
 3. You assisted the investigation.
8. Your period in remand also is considered. All what is said in the letters from your character referees are also considered.
9. Considering the above aggravating and mitigating factors I fix 8 years as the period you have to serve before being considered for pardon.
10. Having considered the domestic relationship, I order a permanent Domestic Violence Restraining Order in place identifying the victim Vaciseva Seru as the protected person.




Priyantha Fernando
Judge

At Suva

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