

JURY ENTERS COURT 11.01 A.M. 1

HIS HONOUR: Ladies and gentlemen, just before I make 2  
some introductory remarks to you we will have the 3  
interpreter who is going to interpret in the Tamil 4  
language for Mr Suppiah sworn. 5

VASANTHA HAMSANATHAN SWORN 6

INTERPRETER 7

HIS HONOUR: Ladies and gentlemen, before Mr Norman 8  
opens the case for you I just want to make a couple of 9  
remarks. 10

The people involved in this case, counsel and 11  
myself, have different roles to you as the jurors. Your 12  
role is to decide what the facts are. Your role is to 13  
apply the law that I direct you on at the end of the 14  
case to those facts to decide whether or not Mr Suppiah 15  
is guilty or not guilty of the charge of murder. 16

My role is not to decide the facts. My role is to 17  
explain the law to you, the law that you need to know, 18  
and the role of the barristers is different again. They 19  
are there to ask questions of the witnesses, they will 20  
put arguments to you at the close of the case. In a 21  
case like this - I'm sure counsel and I will say 22  
something about it towards the end of the case - it is 23  
fairly obvious this is an intellectual task for you, you 24  
must not allow sympathy or prejudice to enter into this 25  
particular case. 26

You will be asked during the course of the case to 27  
assess witnesses. I indicate to you that you may 28  
believe all, some or none of what a witness says. You 29  
are to give the evidence the weight that you consider 30  
that it deserves and you are to apply your common sense 31  
when you assess witnesses. 32

Much will be said about this, and it's a very 33  
important part of the case. In this case, Mr Suppiah is 34  
presumed innocent of this offence. The prosecution must 35  
prove that he committed the offence charged and they 36  
must prove that beyond a reasonable doubt. The 37  
prosecution must prove each and every element of the 38

charge of murder to your satisfaction beyond reasonable 1  
doubt. 2

Reasonable doubt is simply a doubt which you as 3  
reasonable jurors are prepared to entertain. 4

There is one more direction that I need to give you 5  
and it is a very important one. You try this case by 6  
considering the evidence that you hear and see in this 7  
court, the addresses of counsel and my directions to you 8  
on the law. Whilst it's appropriate that you bring your 9  
own experiences of life to this deliberation it would be 10  
an irregularity in the trial process for you to have 11  
regard to outside material or extraneous material; that 12  
is, information that you may gain outside the court. 13  
You must not discuss the case with people who are not 14  
fellow jurors, you must not conduct your own 15  
investigations and you must disregard information from 16  
sources such as the newspapers, TV, radio, the internet 17  
and social networks. The reasons for that are obvious 18  
but I'll just run you through them in a minute. 19

Not only do you have an individual responsibility to 20  
disregard such outside sources, you also have a 21  
collective responsibility to ensure there's no 22  
irregularity in this trial process. You have a 23  
collective responsibility to report any irregularity 24  
that comes to your notice and you do that by raising it 25  
with the sheriff's officer and he will then pass that on 26  
to me. 27

I will say something about the reasons why it's an 28  
irregularity in the jury process for you to have regard 29  
to outside or extraneous material. In this case, you 30  
will hear all the admissible evidence. It is for the 31  
court to determine what evidence complies with the rules 32  
of evidence and thus is admissible. The rules of 33  
evidence are designed to exclude irrelevant and 34  
unverifiable information. If you access outside or 35  
extraneous material the court has no way of determining 36  
whether that is admissible material. But there's also 37  
another what I would consider to be obvious reason: 38

evidence which is admissible in court will be subject to testing in open court, principally by cross-examination. The parties, that is, the prosecution and counsel for Mr Suppiah, and Mr Suppiah himself, know what the evidence is and, in the presence of the judge, counsel and the jury and the accused, that evidence can be tested. Outside material cannot be tested in this way. It remains unknown to the parties and the court.

One of the obvious consequences of an irregularity in the trial process is that it would be a miscarriage of justice and, if there is a miscarriage of justice, if there is an irregularity, it may well be that this case has to be run again. So, it's important for you individually and collectively to decide the case only having regard to the material that is put before you in the trial and the community trusts you collectively to do that.

Thank you.

MR NORMAN: Good morning, ladies and gentlemen. The accused Mr Suppiah is originally from Sri Lanka. In January of 2014 he was living at an address at No.9 Griffiths Street in Elizabeth South. The deceased, Ketheshwaran Sivaperuman, was another Sri Lankan national who was well known to the accused. He was staying immediately opposite the accused in a property at No.8 Griffiths Street. Both of the men, that is, the accused and the deceased, had originally come to Australia as refugees. At one stage they had actually in fact lived together at No.9 Griffiths Street, but there appears to have been a falling out between them and some bad blood. It was after that that the deceased moved out from No.9 Griffiths Street and into No.8.

Both of those properties, that's No.9 Griffiths Street and No.8 Griffiths Street, were occupied by a number of other Sri Lankan and Indian refugees at the time we are going to be concerned with in this trial.

The day of 16 January 2014 was extremely hot. You might even remember it. It was a day when in South