



FOR IMMEDIATE RELEASE
25 FEBRUARY 2022

MAN CONVICTED OF CAUSING DEATH AND GRIEVOUS HURT BY RASH ACT

On 25 February 2022, Andrew Gosling (“**Gosling**”) was convicted of one charge under Section 304A(a) of the Penal Code for causing death by a rash act (“**the s 304A(a) charge**”), and one charge under Section 338(a) of the Penal Code (“**the s 338(a) charge**”) for causing grievous hurt by a rash act. Sentencing has been adjourned to 8 April 2022.

2 On 18 August 2019, Gosling threw a bottle from the seventh floor of Spottiswoode 18 condominium towards an area where a group of persons was holding a barbeque (“**the BBQ area**”), located on the fifth floor of the condominium. The bottle struck the head of Mr Nasiari Sunee (“**Mr Nasiari**”), a 73-year-old male Singaporean, before it ricocheted and struck his wife, Mdm Manisah binte Sitri (“**Mdm Manisah**”), a 69-year-old female Singaporean, on the right shoulder. Mr Nasiari subsequently died from his injuries while Mdm Manisah suffered injuries that led to her arm being in a sling for two months.

Summary of the Prosecution’s arguments

3 Gosling’s actions were more egregious than an act of ‘killer litter’, given that he deliberately threw an empty wine bottle from height towards an area two floors below, just off where a group of persons was gathered at the BBQ area. He intended to startle the persons gathered there when the bottle smashed on the ground. Gosling was aware of the risk that his act could cause serious injury or death, but proceeded to throw the bottle despite this risk.

4 Gosling’s offences were also religiously aggravated as he demonstrated religious hostility towards Muslims. In particular, he threw the bottle towards the area at which the group was gathered because he had noticed that members of the group were Muslim. He ran from the scene after throwing the bottle to evade

detection, shouting crude, religiously-charged vulgarities about Muslims. Gosling's actions were outrageous, senseless and appalling.

Charges and sentencing positions

5 Given the overall criminality of Gosling's actions and that the offence was religiously aggravated, the Prosecution sought a deterrent sentence of a total of seven years' imprisonment for Gosling.

6 In relation to the s 304A(a) charge, the Prosecution submitted for a sentence of four and a half years' imprisonment. This is close to the maximum prescribed punishment of five years for such an offence, reflecting the gravity of Gosling's conduct. The Prosecution took into account Gosling's level of culpability¹, the fact that the bottle was thrown from a height that was inherently dangerous and likely to cause death in the circumstances, and the death of Mr Nasiari, as well as the impact of the crime on Mdm Manisah.

7 In relation to the s 338(a) charge, the Prosecution submitted for a sentence of two and a half years' imprisonment. The maximum prescribed punishment for such an offence is four years. This is an uplift in comparison to similar cases in the past, as the Prosecution, again, took into account that the offence was religiously aggravated, and the fact that Mdm Manisah continued to suffer from the after effects of her injuries.

8 The available evidence showed that Gosling intended for the bottle to smash onto the ground and startle the group. The evidence did not indicate that:

- a) Gosling intended or knew his actions would likely cause death, or intended to cause injuries that were likely to cause death; or
- b) Gosling knew that his act of throwing the bottle was so imminently dangerous that it must in all probability cause death or injuries that were likely to cause death.

Had there been such evidence, Gosling would have been liable for more serious offences.

Gosling's mental state at the time of the offence

9 Gosling was intoxicated at the material time of the offence. Following his arrest, Gosling was jointly assessed by a psychiatrist from the Institute of Mental

¹ "Culpability" is a measure of the degree of relative blameworthiness disclosed by an offender's actions and is measured chiefly in relation to the extent and manner of the offender's involvement in the criminal act.

Health and a psychiatrist engaged by the Defence. Both psychiatrists concluded that Gosling's use of alcohol at the time of the offence led to some impairment of judgment, but not to the extent that he had no conscious control of his behaviour.

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