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HON JUSTICE HELSHAM : In the events which have happened, it is unnecessary to refer to any of the facts of this matter.

The accused was charged with murder on the 13th of December, 1990. His trial came before the learned trial judge on the 6th of May, 1991. He sought to read in his defence a written statement which, in his wisdom, the learned trial judge would not permit.

We are grateful for the submissions of the Director who, in answer to the complaint in this appeal made on behalf of the appellant, states that he concedes that that was an error on the part of the trial judge which it is incumbent upon this court to rectify.

The appellant, through his counsel, seeks a new trial and we feel that in the circumstances, that must be afforded. Appeal allowed, conviction quashed, new trial ordered.

We do not think that it is appropriate even to consider the question of bail because it is proper that it should be considered before a single judge of this court on application and in doing that, we do not wish to reflect on the merits or otherwise of any application that he might make.

*Michael L. Beebe*

PRESIDENT

/s/ FIJI COURT OF APPEAL