

IN THE COURT OF APPEAL, FIJI ISLANDS
AT SUVA

CRIMINAL APPEAL NO. AAU0033 OF 2003S
(High Court Criminal Appeal No. HAC002 of 1999L)

BETWEEN:

JOSATEKI SOLINAKOROI

Applicant

AND:

THE STATE

Respondent

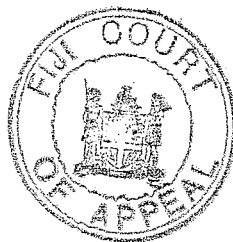
APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE

[1] On 26th October, 1999 the applicant was convicted of murder and sentenced to life imprisonment. On 22nd September, 2003 the applicant's application for leave to appeal out of time was filed in this Court. In his application he says that the reason for the delay was that he contacted the lawyer who acted for him on his trial, Mr Anu Patel, with instructions either to lodge an appeal on his behalf or return all relevant documents to enable him to do so, but he has heard nothing from Mr Patel. He does not state when he made that request.

[2] It is apparent from the grounds of appeal set out in his application that essentially it is his contention that the charge should be reduced to manslaughter.

[3] The period of delay is lengthy. But he does give an explanation for it. In view of the seriousness of the charge, I have concluded that, pursuant to s 35 (1) (b) of the Court of Appeal Act I should grant his application for leave to appeal out of time. Accordingly, the time for filing his application for leave to appeal is extended to 22nd September, 2003.

Dated at Suva this 24th November 2003



A handwritten signature in cursive script, appearing to read "Tompkins".

Tompkins JA