

**IN THE COURT OF APPEAL, FIJI ISLANDS  
ON APPEAL FROM THE HIGH COURT, FIJI ISLANDS**

CRIMINAL APPEAL NO. AAU0019 OF 2001S  
(High Court Criminal Action No. 5 of 1999)

BETWEEN:

**NANISE WATI**  
Appellant

AND:

**THE STATE**  
Respondent

Before: Penlington, JA

Hearing: Friday 14th November 2003, Suva

Counsel: Ms B. Malimali for the Appellant  
Mr. P. Ridgway for the Respondent

Date of Minute: Friday 14th November 2003, Suva

**MINUTE OF PENLINGTON JA (IN COURT FOR CHAMBERS)**

In the judgment of this court delivered earlier today in this appeal and other appeals the court ordered under Section 30 of the Court of Appeal Act 1990 that counsel be assigned to the appellant for the purposes of the preparation for and hearing of her appeal against conviction for murder. In that judgment the court limited the fee payable in respect of counsel for the appellant to one thousand dollars.

I record that Ms B. Malimali appeared for the appellant before me today. She confirmed her acceptance of the assignment as counsel for the appellant for a fee of \$1,000.00.

In a judgment of Tompkins JA delivered on 26 August 2003 His Honour ordered, on the assumption that counsel would be assigned under section 30 of the Court of Appeal Act, that the appeal be heard during the second fortnight of the November sitting of the Court.

Later however at a call-over on 11 September 2003 before Fatiaki CJ a date for the hearing of the section 30 application was fixed for 5 November but no hearing date was fixed for the appeal itself. That matter was left over for this court to fix.

The appellant is in St. Giles Hospital which is a mental institution.

Ms Malimali will be out of Suva all next week. She desires to take instructions from the appellant and to consider whether the grounds of appeal require amendment. In view of other commitments counsel for the State would have difficulty in being ready for a fixture in the week commencing Monday 24 November.

In my view the justice of the case requires a fixture at the March sitting of this court. Having so found I make the following orders:

1. Leave to amend the notice of appeal granted.
2. The appeal is set down for hearing on Tuesday 9 March 2004 at 9.30am.
3. An Amended Notice of Appeal (if any) to be filed and served by 6 February 2004.
4. Submissions for Appellant to be filed and served by 6 February 2004.
5. Submissions for the State to be filed and served by 20 February 2004.
6. Submissions in reply to be filed and served by 5 March 2004.

**Penlington, JA**