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

CRIMINAL APPEAL NO. AAU0042 OF 2005S

(High Court Criminal Action No. HAC0019 of 2004S)

BETWEEN:

AIYAZ ALI

Appellant

AND:

THE STATE

Respondent

Coram:

Ward, President

Ellis, JA

Penlington, JA

Hearing:

Wednesday, 20th June 2007, Suva

Counsel:

Appellant in Person

W Kuruisaqila for the Respondent

Date of Judgment: Monday, 25th June 2007, Suva

RULING OF THE COURT

- [1] This Court makes the following orders:
 - (1) That the appellant's appeal against conviction be re-instated.
 - (2) That within 28 days from the date of the delivery of this ruling the respondent do file in this Court:

- (a) The sentencing notes in respect of the appellant's co-accused in Magistrates Court (Lautoka) files 25/04, 20/04 and 19/04 relating to the offending on 21 September, 17 October and 23 October 2003 respectively.
- (b) The statements of facts in relation to the offending on 17 and 23 October 2003.
- (c) Particulars of the previous convictions (if any) of the appellant's co-accused in the above offending.
- (3) That copies of all the documents so filed by the respondent under order (2) hereof be served on the appellant within the same time, namely 28 days.
- (4) that counsel be assigned to the appellant under s.30 of the Court of Appeal Act Cap.12 in respect of the appellant's appeal against conviction and sentence:
 - (a) To advise the appellant as to the next steps to be taken in his appeal against conviction
 - (b) To prepare, file and serve any documentation arising out of such advice.
 - (c) To take such further or other steps as counsel assigned considers necessary in the conduct of the appellant's appeal against conviction and sentence.
 - (d) To appear at the hearing of the appeal against conviction and sentence and conduct the same on behalf of the appellant.

The Court records that it is of the opinion that it appears desirable in the interest of justice that the appellant should have legal aid in this case and that he has not sufficient means to enable him to obtain that aid.

Mulano

Ward, President

Ellis, JA

Penlington, JA

Solicitors:

Appellant in Person Office of the Director of Public Prosecutions, Suva for the Respondent