

**IN THE COURT OF APPEAL OF TONGA**

**CRIMINAL JURISDICTION**

**AC 15 of 2013**

**NUKU'ALOFA REGISTRY**

**[CR 202 of 2011]**

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**BETWEEN : VEIMAU LEONE**

**- Appellant**

**AND : REX**

**- Respondent**

**Mr Pouono for the Appellant**

**Mr Sisifa for the Respondent**

**MINUTE OF THE COURT**

[1] Mr Leone has appealed against his conviction and sentence on a charge of fraudulent conversion.

[2] Mr Pouono acted for him at trial and lodged the notice of appeal. Shortly after this Mr Pouono lost touch with the appellant as a result of the latter's ill health which necessitated a period in hospital. Consequently, although the appeal challenged the

adequacy of the factual basis of the charge proved at hearing, he made no application for a copy of the transcript and in fact withdrew as counsel.

[3] The appeal was set down for hearing and at our request Mr Pouono contacted the appellant who is now out of hospital but in a wheelchair. We were advised that the appellant wished Mr Pouono to continue to act for him and to seek an adjournment so that a transcript of the evidence can be prepared. Mr Sisifa did not oppose this. Accordingly we grant the application and adjourn the appeal to the next sitting of this Court. Mr Pouono is to order the transcript forthwith and, when he has received it, must consider the adequacy of his notice of appeal and provide particulars of the alleged inadequacies in the evidence. Any amended notice of appeal must be served on the Crown at the earliest opportunity.

[4] The appellant received a prison sentence and was released on bail pending the hearing of the appeal. Mr Pouono sought an extension of bail until the next session of this Court. Because of the appellants medical condition Mr Sisifa consents to that. Accordingly

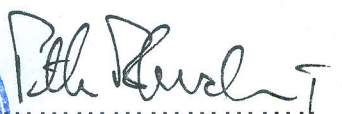
bail is extended, on the same terms as presently apply, to the commencement of the next sitting. The appellant and Mr Pouono are to be advised of that date when it is fixed.

**DATED: 2 APRIL 2014**

  
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**Salmon J**



  
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**Blanchard J**

  
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**Ward J**