

IN THE COURT OF APPEAL, FIJI ISLANDS
AT SUVA

CRIMINAL APPEAL NO. AAU0032 OF 2003S
(High Court Criminal Action No. HAC 011/2003S)

BETWEEN:

BERA YALIMAIWAI

Applicant

AND:

THE STATE

Respondent

APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE

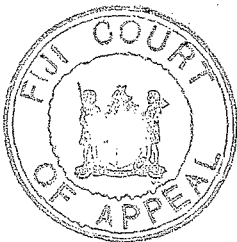
[1] The applicant pleaded guilty to and was convicted of rape. On 30 June 2003 he was sentenced by Shameem J in the High Court at Suva to a term of seven years imprisonment.

[2] On 23 September 2003 the applicant applied for leave to appeal out of time against the sentence imposed. It is apparent from the form of his application that he was acting on his own behalf. It is also apparent from the grounds set out in his application that he is seeking to appeal against conviction as well as sentence.

[3] The application was approximately 85 days out of time. But having regard to the seriousness of the charge and the sentence imposed, I am satisfied that is appropriate that, acting under s 35 (1) of the Court of Appeal Act, I extend the time within which notice of an application for leave to appeal may be given until 23 September 2003, and that the application filed be taken to be the applicant's application for leave to appeal.

[4] Further, in accordance with s 35 (1) (f) of the Court of Appeal Act I recommend that legal aid be granted to the applicant.

Dated at Suva this 19th day of November 2003



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

Tompkins JA