

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

MISC. ACTION NO. 02 OF 2008S
(High Court Action No. HAM 8 /2008S)

BETWEEN: **SAKIUSA ROKONABETE**

Appellant

AND: **THE STATE**

Respondent

In Chambers: **Randall Powell, Justice of Appeal**

Hearing: **Thursday, 10 and Friday 11 April 2008, Suva**

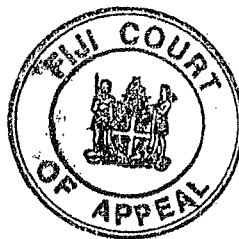
Counsel: **Appellant in Person**
A Driu and H Tabete for the Respondent

Date of Judgment: **Friday, 11 April 2008, Suva**

JUDGMENT

- [1] Sakiusa Rokonabete ("the applicant") seeks variation of a cash bail condition.
- [2] On 6 September 2007 the applicant, having been charged with robbery, had a bail hearing before Winter J and on that day was granted bail "*in your own recognisance of \$1,500.00. There will be one surety of \$1,500.00, \$500.00 cash the balance will be non-cash*"
- [3] He had been in custody since July 2007.

- [4] Other conditions were imposed including living under curfew between 9 pm and 8 am and reporting to the Nasinu Police Station on Sundays and Fridays.
- [5] A co-accused, Akuile Dromudole, was given bail of "\$1,500.00 non cash in respect of you and an additional \$1,500.00 from a surety of which \$500.00 will be cash and \$1,000.00 non cash".
- [6] It seems that the co-accused was successful in having bail varied to \$100 surety cash bail.
- [7] On 1 February 2008 Justice Goundar ordered that this application be transferred to the Court of Appeal.
- [8] Winter J was satisfied that bail was appropriate for the applicant. There is nothing before me to suggest that the applicant should be treated any differently from his co-accused at least one of whom has since had his bail condition reduced.
- [9] It would be unfair not to vary the cash bail conditions to \$100.00 cash.
- [10] I will refer the matter back to the High Court so that the surety can be tested and the \$100 posted as security to the High Court registry.



Randall Powell

Randall Powell
JUSTICE OF APPEAL

Solicitors:

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

D:WD/WIN/USHA/MISC02E.08S