

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

CRIMINAL APPEAL NO. AAU 42 OF 2015
(High Court HAC 430 of 2014)

BETWEEN : TREVOR MERVYN TAMBLYN *Appellant*

AND : THE STATE *Respondent*

Coram : Calanchini P

Counsel : Ms B Malimali for the Appellant
Ms S Tivao for the Respondent

Date of Hearing : 19 March 2019

Date of Ruling : 29 March 2019

RULING

- [1] Following a trial in the High Court the appellant (along with Iowane Apisai Draiva) was convicted on one count of importation of a controlled chemical namely (pseudo) ephedrine weighing 584.4 grams. On 18 March 2015 the appellant was sentenced to a term of imprisonment of 4 years with a non-parole term of 3 years.

- [2] The appellant subsequently filed a timely notice of appeal against conviction and sentence. Directions for the filing of written submissions were given on 18 March 2016 when Counsel appeared for the appellant.
- [3] The appellant then filed in person additional material on 11 December 2017, 13 February 2018, 17 May 2018. It would appear that neither Counsel for the appellant nor the State filed written submissions. The application for leave to appeal was, as a result, not listed for hearing.
- [4] The appellant was subsequently discharged on 17 November 2018 and then deported as his visitor's visa had in the meantime expired.
- [5] Counsel for the appellant informed the Court that there has been no communication between the appellant and counsel as to the future conduct of the appeal, in other words Counsel has no instructions concerning the appeal.
- [6] Under the circumstances the appeal is dismissed under section 35(2) of the Court of Appeal Act 1949.



W. Calanchini

Hon Mr Justice W. D. Calanchini
PRESIDENT, COURT OF APPEAL