

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

CRIMINAL APPEAL AAU 20 of 2010
(High Court HAC 9 OF 2008)

BETWEEN : **KAMINIELI VOSAVERE**

Appellant

AND : **THE STATE**

Respondent

Coram : **Calanchini P**

Counsel : **No appearance for the Appellant**
Mr L Fotofili for the Respondent

Date of Mention : **13 June 2014**

Date of Ruling : **15 April 2016**

RULING

- [1] The Appellant, together with several others, was convicted for conspiring to commit murder contrary to section 217 of the Penal Code Cap 17. The Appellant was sentenced on 5 March 2010 to a term of imprisonment of 4 years.
- [2] By notice filed on 29 April 2010 the Appellant applied for leave to appeal against conviction and sentence. On 23 April 2010 in an ex tempore Ruling Byrne AP had

granted leave to appeal out of time to all seven Appellants. In a Ruling delivered on 20 January 2011 the Appellant and the several others were all refused bail pending appeal.

- [3] When the Appellant's appeal was called for mention on 13 June 2014 the Court was informed that the Appellant had been released as he had served his sentence less remission granted by the Commissioner. The Court was informed that the Appellant had not provided a forwarding or contact address. Since 13 June 2014 the Appellant has not made any contact with the Registry. The Registry has not been able to contact the Appellant.
- [4] Under those circumstances the Appeal is dismissed as being vexatious under section 35(2) of the Court of Appeal Act Cap 12.



W. Calanchini

Hon. Mr Justice Calanchini
PRESIDENT, COURT OF APPEAL