

IN THE HIGH COURT OF FIJI
AT SUVA
MISCELLANEOUS JURISDICTION
MISCELLANEOUS CASE NO. HAM 271 OF 2012S

NANISE KOROI

VS

THE STATE

Counsels : **Accused in Person**
Ms. M. Fong for State

Hearing : **4th March, 2013**

Ruling : **4th March, 2013**

Written Reasons: **3rd May, 2013**

WRITTEN REASONS FOR DENIAL OF APPLICATION TO APPEAL OUT OF TIME

1. You applied to appeal out of time on 11th January, 2013, and I heard you and the State on 4th March, 2013. After listening to you two, including reading the papers filed by you and the State, I dismissed your application, and said I would give my written reasons later. Below are my reasons.
2. I have carefully read the Magistrate Court's written sentence dated 20th September, 2012. You pleaded guilty to the offence of "obtaining a financial advantage by deception", contrary to section 318 of the Crimes Decree 2009. Briefly, the facts were as follows. You were employed by the Fiji Public Trustee Corporation as a Trust Officer. The Corporation administers trust money deposited

with them by members of the public. From 8th June, 2010 to 13th July, 2011, you did 29 deceptive acts and stole \$7,390 from the Corporation. You breached the Corporation's and public's trust in you. You admitted the above, you were found guilty as charged and convicted accordingly. On 20th September, 2012, the court sentences you to 15 months imprisonment, with a non-parole period of 12 months, and gave you 28 days to appeal.

3. You did not appeal within 28 days. Thus, you have lost your right to appeal. An extension of time can only be granted if you show "good cause" to the court. I have carefully read your application. I have also considered the State's verbal submission and reply. In my view, your application provided "no good cause" to grant you permission to appeal out of time. That's why I dismissed your application on 4th March, 2013. The Learned Magistrate's sentence remarks were solid. She applied the correct procedures and the law to reach her decision. The above are my reasons for dismissing your application.

Salesi Temo
JUDGE

Solicitor for Accused : **Accused in Person.**
Solicitor for the State : **Office of the Director of Public Prosecution, Suva.**