

accomplice (257/18 & 258/18) upon the ground that they were illegal under the law and the Constitution.

5. The Crown has now appealed to this Court against that dismissal of the two charges upon the ground that because the respondent had already pleaded guilty to the two charges, the Magistrate was lawfully obliged to sentence him according to law.
6. On 24 August 2018, the Lord Chief Justice directed that the appeal was to heard before me on 10 September 2018, and that it was to be called before me this morning for confirmation of the hearing for Monday 10 September.
7. This morning, Mr. 'Aminiasi Kefu, Acting Attorney General, appeared for the appellant and the respondent and his mother also appeared (without counsel). Mr. Kefu informed me that the appellant has now confirmed that the 2 accomplice charges were in the alternative only to the charges of house breaking and theft charges, and that the Magistrate correctly dismissed them. He then asked that the appeal be withdrawn. I asked both the accused if they understood and whether they agreed and they both said yes.
8. Accordingly, I order that this appeal is forthwith discontinued with no order for costs.

NUKU'ALOFA: 7 September 2018.



**L.M. Niu J
JUDGE**