

CRIMINAL APPEAL AAU0034/2000  
(High Court Criminal Appeal No. 48 of 2000)

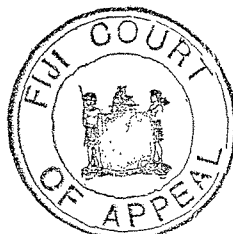
BETWEEN:                      MALELI OILADRAU                      Appellant

AND:                              THE STATE                              Respondent

APPEAL AGAINST SENTENCE

1. The appellant was convicted of an unnatural offence contrary to s.175(a) of the Penal Code and sentenced to imprisonment for five years.
2. Following an appeal to the High Court the sentence was reduced to 4½ years.
3. Before the Court is what purports to be a further appeal against sentence. No appeal lies in respect of a sentence imposed by the High Court in its appellate jurisdiction unless the appeal is on the ground (a) that the sentence was unlawful or passed in consequence of an error of law or (b) that the High Court imposed an immediate custodial sentence in substitution for a non-custodial one.
4. As neither (a) nor (b) applies, acting under s.35(2) of the Court of Appeal Act (as amended) I dismiss the appeal, on the grounds that there is no right of appeal and no right to seek leave to appeal.

Dated at Suva this 12 October 2001.



*Thomas Eichelbaum*  
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Thomas Eichelbaum  
Justice of Appeal