

IN THE COURT OF APPEAL, FIJI AT SUVA

CRIMINAL APPEAL NO. AAU0023/2001S  
(High Court Criminal Appeal No. HAA043 of 2001)

BETWEEN:                      JEREMAIA DONU                      *Appellant/Applicant*

AND:                              THE STATE                              *Respondent*

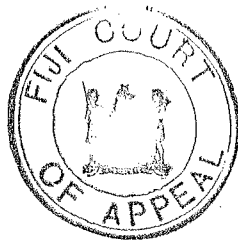
APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE

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1. In the Magistrates' Court the applicant was convicted on a charge of escaping from lawful custody and sentenced to 9 months imprisonment, cumulative upon the term he was then serving.
2. The appellant appealed to the High Court against both conviction and sentence. Both appeals were dismissed.
3. The document now filed by the appellant is headed as an application for leave to appeal against sentence. In the grounds given in support however he also refers to matters relating to the conviction.
4. Under s.22(1) of the Court of Appeal Act an appeal to this Court, where there has already been an appeal to the High Court, is competent only where solely a question of law is involved.
5. To the extent that the present application relates to conviction, although the appellant purports to refer to matters of law the grounds do not give any relevant details. To the extent that the application relates to sentence, no question of law is involved. The appellant simply seeks to attack what he sees as the severity of the sentence.

6. Since the application is bound to fail because there is no right of appeal and no right to seek leave to appeal, acting under s.35 of the Court of Appeal Act, as amended, I dismiss the appeal.

Dated at Suva this 15<sup>th</sup> October 2001.



~~Thomas Eichelbaum~~  
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Thomas Eichelbaum  
Justice of Appeal