

IN THE COURT OF APPEAL, FIJI AT SUVA

CRIMINAL APPEAL AAU0031/2002
(High Court Criminal Appeal No. HAA076/2001)

BETWEEN: HARRY ANDERSON *Appellant*

AND: THE STATE *Respondent*

APPLICATION FOR LEAVE TO APPEAL

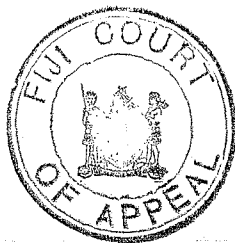
1. On the 16th of July 2001 the Appellant was sentenced to a total of 4 years' imprisonment by the Magistrates' Court at Suva. He had pleaded guilty to a total of 57 charges.
2. The first two counts concerned Burglary and Larceny from a dwelling house. The goods taken by the Appellant were valued at \$11,215. Counts 3-57 concerned stealing from ANZ ATM machines. The amount taken on each occasion was \$200, a total of \$11,000.
3. The Appellant was sentenced to 18 months imprisonment on Counts 1 and 2, consecutive to each other (3 years total). He was sentenced to 12 months imprisonment on each of the remaining counts 3-57, to run concurrently with each other (total 12 months). The 12 months sentence to run consecutively to the 3 years, making a total of 4 years.
4. The Appellant appealed to the High Court from that sentence. Surman J. observed that since Counts 1 and 2 related to the same dwelling house, and the

Burglary and Larceny were part of the same transaction, the sentence should have been concurrent. However, he found that the overall total of 4 years imprisonment was appropriate and refused to interfere with the sentence. He reduced the overall sentence by a further 15 months, to 2 years and 9 months because the Appellant had pleaded guilty. The learned Judge observed:-

“ Pleas of guilty save a lot of Court time (obviously the Case here) and show at least some remorse. It is important that the discount should be clearly published so as to encourage others to plead guilty where appropriate”.

5. The Appellant now seeks leave to appeal to this Court. This is a second appeal. There is nothing unlawful about the sentence imposed by Surman J. Appeals to this Court are limited to questions of law. I do not see that the proposed appeal raises any question of law. In any event, the appeal is frivolous and vexatious. Accordingly, in the exercise of powers under Section 35(2) of the Court of Appeal Act, it is dismissed.

Dated at Suva this 9th September, 2002.



A handwritten signature in black ink, appearing to read "Jai Ram Reddy", is written over a horizontal dotted line.

Jai Ram Reddy
President