

IN THE COURT OF APPEAL, FIJI AT SUVA

CRIMINAL APPEAL NO. AAU0039/2002S
(High Court Criminal Appeal No. HAA048 of 2002)

BETWEEN: SAULA VUNIVESI *Applicant*

AND: THE STATE *Respondent*

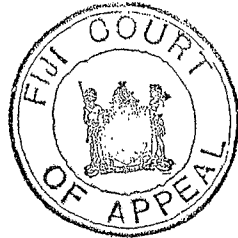
APPLICATION FOR LEAVE TO APPEAL OUT OF TIME

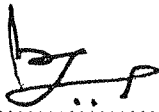
1. On the 25th of April 2002, the Applicant pleaded guilty to one count of Burglary, and one of Larceny from a dwelling house. The total value of goods taken from the complainant's house was \$12,000. Goods valued at \$5000 were recovered.
2. The learned Magistrate sentenced the Applicant to five(5) years imprisonment on the first count, and three(3) years on the second count to be served concurrently.
3. The Applicant appealed to the High Court and on the 28th of June 2002, the High Court (Shameem J.) allowed the appeal and sentenced the Applicant to 3 years imprisonment on each of the two counts to be served concurrently.
4. The Applicant now seeks leave to appeal out of time from the sentence imposed by the High Court.
5. This is a second appeal, and therefore limited to questions of law alone.

I do not see that the proposed appeal raises any question of law, and to that extent it is incompetent.

6. Leave to appeal out of time is granted, and the appeal is dismissed under Section 35(2) of the Court of Appeal Act (as amended). Under Section 35(3) of the Act, the Applicant is entitled, if he so elects to have the application for leave determined by a full bench of Judges.

Dated at Suva this 24th September, 2002.




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Jai Ram Reddy
President