

IN THE COURT OF APPEAL, FIJI AT SUVA

CRIMINAL APPEAL NO. AAU0003 OF 2003S
(High Court Criminal Appeal No. HAA064 of 2001)

BETWEEN: FILIPE DELANA *Applicant*

AND: THE STATE *Respondent*

APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE

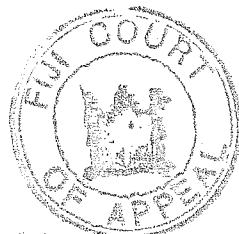
On 15 June 2001 the Applicant was sentenced to 4 years imprisonment by the Magistrates' Court sitting at Suva for Robbery with violence, contrary to Section 293(1)(b) of the Penal Code.

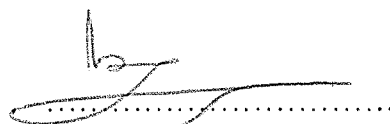
The Applicant appealed to the High Court against the sentence. On 7 September 2001 the High Court (Surman J.) allowed the appeal and reduced the sentence to 3 years and 3 months, and made it consecutive to earlier prison sentences that the Applicant was serving. The learned Judge reduced the sentence, because he found that insufficient consideration was given to the Applicant's plea of guilty by the sentencing Magistrate.

The Applicant now seeks leave of this Court to appeal against the sentence. This is a second appeal and is limited to questions of law only. The Applicant complains about the severity of the sentence, and does not raise any questions of law (Section 22(1) Court of Appeal Act).

Since this application is bound to fail because there is no right of appeal and no right to seek leave to appeal, I dismiss the appeal under Section 35(2) of the Court of Appeal Act.

Dated at Suva this 4th March 2003.




Jai Ram Reddy
President