

IN THE COURT OF APPEAL
[On Appeal from the High Court]

Criminal Appeal Misc. No. AAU 09 of 2011
[High Court Case No. HAM 115 of 2009]

BETWEEN : OSEA VAKACEREIVALU
Appellant

AND : THE STATE
Respondent

Coram : Hon. Mr. Justice Goundar

Counsel : Appellant in Person
Ms P. Madanavosa for Respondent

Date of Hearing : 22 July 2014

Date of Ruling : 25 July 2014

RULING

- [1] This is an application for leave to appeal against a decision of the High Court, refusing bail pending trial to the appellant. Whilst this appeal was pending, the appellant was convicted and sentenced to 8 years' imprisonment for robbery with violence by the High Court.
- [2] Section 35(1) of the Court of Appeal Act gives a single judge power to grant leave to appeal against a bail decision. Section 35(2) gives a single judge power to dismiss a frivolous or vexatious appeal, or an appeal that is bound to fail because there is no right of appeal.
- [3] Following the appellant's conviction, the issue of bail pending trial is academic. The appellant is no longer in custody on remand. He is now a serving prisoner. In these circumstances, this appeal against refusal of bail by the High Court cannot possibly succeed. The appeal is frivolous.

[4] The appeal is dismissed under section 35(2) of the Court of Appeal Act.



A handwritten signature in black ink, appearing to read "D. Goundar", is written above a horizontal dotted line.

Hon. Justice D. Goundar
JUDGE OF APPEAL

At Suva
25 July 2014

Solicitors:
Appellant in Person
Office of the Director of Public Prosecutions for State