

IN THE COURT OF APPEAL
[On Appeal From The Magistrates' Court]

CRIMINAL APPEAL NO: AAU0020 of 2013
(Magistrates' Court Case No: CF 1413 of 2012)

BETWEEN : **INOKE TURAGA**
Appellant

AND : **THE STATE**
Respondent

Coram : Goundar JA

Counsel : Ms N. Nawasaitoga for the Appellant
Mr. L. Fotofili for the Respondent

Date of Hearing : 2 May 2014

Date of Ruling : 2 June 2014

RULING

- [1] The appellant was convicted of attempted aggravated robbery after he pleaded guilty to the charge in the Magistrates' Court exercising extended jurisdiction. On 4 December 2012, he was sentenced to 2 ½ years' imprisonment. He was ordered to serve a non-parole period of 2 years.
- [2] The appellant filed this appeal on 3 April 2013. The appeal is out of time by 3 months. His main complaint is that his sentence is harsh and excessive. The other complaints are vague and misconceived.
- [3] I have reviewed the learned Magistrate's sentencing remarks. The maximum sentence for attempted robbery is 15 years imprisonment. The appellant was unsuccessful in his attempt to rob the victim because the victim retaliated when he was attacked by the appellant and his co-accused. The learned Magistrate picked 4 years as his starting point and then

reduced 15 months for the guilty plea and 3 months for other mitigating factors and remand period. The sentence arrived was 2 ½ years' imprisonment. The sentence contains no arguable error.

[4] I am satisfied the appeal has no prospect of success and is frivolous.

Result

[5] Extension of time to appeal is refused. Leave to appeal against sentence is refused.

[6] Appeal dismissed under section 35(2) of the Court of Appeal Act.

