

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

**CRIMINAL APPEAL NO: AAU115 of 2013**  
**(HAC Case No: 163/2011)**

**BETWEEN** : **UATE BALEIONO**

*Appellant*

**AND** : **THE STATE**

*Respondent*

**Coram** : **Goundar JA**

**Counsel** : **Appellant in Person**  
**Ms P. Madanavosa for the Respondent**

**Date of Hearing** : **28 May 2014**

**Date of Ruling** : **2 June 2014**

**RULING**

[1] This is an application for leave to appeal against sentence. The appellant was sentenced to 3 years 11 months and 8 days imprisonment after he pleaded guilty to one count of aggravated robbery and two counts of theft in the Magistrates' Court exercising extended jurisdiction. The sentence was imposed on 2 May 2012. The appeal was filed on 2 August 2013, that is, fourteen months after the appeal period had expired under section 26(1) of the Court of Appeal Act.

[2] In the call-over, the appellant informed the Court that he did not want to proceed with this appeal because he was about to be released from the prison. He gave no reasons for the late appeal.

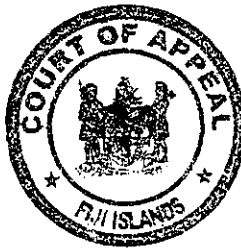
[3] The appellant's sentence is well before the tariff for aggravated robbery. After perusing the sentencing remarks of the learned Magistrate, I am satisfied that the appeal has no prospect of success and is frivolous.


**Result**

[4] Extension of time refused.

Leave to appeal refused.

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



  
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Hon. Justice D. Goundar  
**JUSTICE OF APPEAL**