

IN THE COURT OF APPEAL
On appeal from the High Court

CRIMINAL APPEAL NO. AAU133 of 2013
[High Court Case No. HAC 23/2009]

BETWEEN : SAULA LALAGAVESI
Appellant

AND : THE STATE
Respondent

Coram : Goundar JA

Counsel : Appellant in Person
Mr. M. Korovou for the Respondent

Date of Hearing : 14 August 2014

Date of Ruling : 14 January 2015

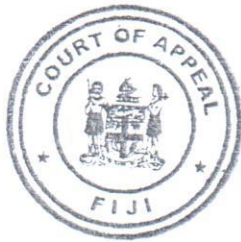
RULING


- [1] The appellant was tried and convicted on a charge of robbery with violence in the Magistrates' Court. He appealed against his conviction to the High Court. There was no appeal against sentence to the High Court. On 17 March 2011, the High Court dismissed the appellant's appeal against conviction. The appellant then filed an appeal to this Court.
- [2] On 20 October 2011, Marshall JA granted him leave to appeal against conviction but refused him leave to appeal against sentence. After the appellant was refused leave to appeal against sentence, he did not renew that application before the Full Court. On 8 March 2012, the Full Court considered the appellant's appeal against conviction and dismissed it.

- [3] On 24 December 2013, the appellant filed a second application for leave to appeal against sentence that was earlier refused by Marshall JA and not renewed by the appellant when the Full Court considered his appeal against conviction.
- [4] Counsel for the State has correctly pointed out that any further appeal in this matter can only lie with the Supreme Court. This Court is functus officio in relation to this matter after the Full Court's judgment dated 8 March 2012. The appellant having no right of appeal, the application for leave must fail.

Result

- [5] The appeal is dismissed under section 35(2) of the Court of Appeal Act because the appellant has no right of appeal.




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Hon. Justice D. Goundar
JUSTICE OF APPEAL

Solicitors:

Appellant in person
Office of the Director of Public Prosecutions for State