

IN THE COURT OF APPEAL, FIJI AT SUVA

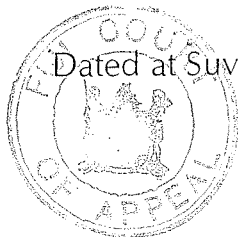
CRIMINAL APPEAL AAU0035/2002S
(High Court Criminal Appeal No. HAA051 of 2002)

BETWEEN: ERONI SAQAYALO Appellant

AND: THE STATE Respondent

APPLICATION FOR LEAVE TO APPEAL OUT OF TIME

1. On the 18th of March 2002 in the Magistrates' Court at Suva the Appellant pleaded guilty to one count of Burglary and one of Larceny from a dwelling house. The learned Magistrate sentenced him to 2 years' imprisonment on each count to be served concurrently.
2. The Appellant appealed to the High Court, and his appeal was dismissed on the 28th of June 2002. By letter dated 6th of July 2002, the Appellant seeks leave to appeal from the decision of the High Court. The letter was received in the Registry on 26th of August 2002.
3. This is a second appeal and is therefore limited to questions of law. I have carefully considered the proposed grounds of appeal. I note that according to the learned Judge the appeal in the High Court was limited to the sentence, the Appellant electing to abandon his appeal against conviction. In any event the Appellant had pleaded guilty before the Magistrate.
4. This appeal is incompetent, it does not raise any questions of law. In any event it is frivolous and vexatious. Application for leave to appeal out of time is granted, and the appeal is dismissed under Section 35(2) of the Court of Appeal Act.



Dated at Suva this 9th September, 2002.

Jai Ram Reddy
President