

IN THE COURT OF APPEAL, FIJI AT SUVA

CRIMINAL APPEAL NO. AAU0044/2002S  
(High Court Criminal Case No. HAC0010/96Ltk)

BETWEEN:                      VIDALI YABA                                      Appellant

AND:                                THE STATE    Respondent

APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE

On 16 September 1997 the Appellant was convicted by the High Court at Lautoka for murder and robbery with violence. He was sentenced to mandatory life imprisonment for murder and 7 years for robbery with violence, to be served concurrently.

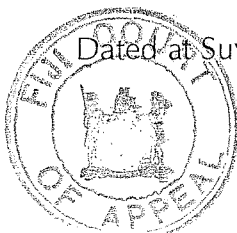
On 18 September 2002 the Appellant wrote to the Registrar of this Court, seeking leave to appeal against his sentence on the murder charge. In sentencing the Appellant the trial Judge (Sadal J.) said:-

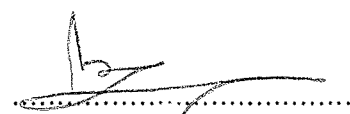
*" I have been on the bench for a very long time and presided over many murder trials. I must say this is one of the worst cases of murder that has come before me. Here a 76 year old lady was brutally assaulted in her own house. She was hit with a knife on her head, punched and kicked. Her head was split open, jaw broken and bone at the base of her neck fractured. She lived by herself in a concrete house. The house was well fenced and the windows had burglar grills fitted. These two accused had cut the fence, removed the bars and gained entry through the window. The victim was alone in her house. She was not feeling well. She was attacked in the security of her own house. No one nowadays is safe in their own houses - no matter how many iron bars or grills are fitted to the house. I do not know where this society is heading to - one must feel safe living in their own houses. Rising crime rate must be stopped if we are to create a safe society to live in and visitors feel safe to visit our shores."*

The sentence imposed for murder is mandatory, and there can be no appeal against sentence.

This application is frivolous and vexatious and it is dismissed under Section 35(2) of the Court of Appeal Act (as amended).

Dated at Suva this 10<sup>th</sup> December, 2002.



  
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Jai Ram Reddy  
President