

IN THE COURT OF APPEAL, FIJI ISLANDS
AT SUVA

CRIMINAL APPEAL NO. AAU0027 OF 2003S
(High Court Criminal Appeal No. HAA 020/2003L)

BETWEEN:

DEI VAKABOGI

Applicant

AND:

THE STATE

Respondent

APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE

[1] The applicant was charged in the Magistrates' Court at Suva with robbery with violence and unlawful use of a motor vehicle. The applicant waived his right to counsel in the Magistrates' Court and pleaded guilty to both charges. He was sentenced to 4 years imprisonment on count 1 and 12 months imprisonment on count 2, the sentences to be concurrent.

[2] He appealed against the sentences imposed to the High Court. In a judgment delivered on 4 July 2003 Sharmeem J dismissed his appeal.

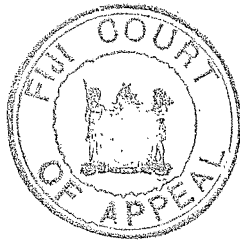
[3] Apparently acting on his own behalf, by letter dated 22 August, 2003 he sought leave to appeal to this court against the dismissal of his appeal in the High Court. The letter sets out six principal grounds.

[4] Pursuant to s 22 (1) of the Court of Appeal Act, a party to an appeal from a Magistrates' Court to the High Court may appeal to this court against the decision of the High Court on any grounds of appeal which involves a question of law only (not including severity of sentence).

[5] I have carefully considered the six grounds set out in his letter. I do not consider any of them to be grounds which involve a question of law only. Although some of the grounds include citations from other cases, it is clear that what are advanced are reasons in support of his claim that the sentences imposed in the Magistrates' Court were excessive.

[6] Accordingly the appeal is bound to fail because the grounds of appeal do not give the applicant a right of appeal. Pursuant to s 35 (2) of the Court of Appeal Act, the application for leave to appeal is dismissed.

Dated at Suva this 19th day of November 2003



A handwritten signature in cursive script, appearing to read "Tompkins", is written above a horizontal line.

Tompkins JA