

IN THE COURT OF APPEAL, FIJI ISLANDS
ON APPEAL FROM THE HIGH COURT OF FIJI

CRIMINAL APPEAL NO. AAU0054 OF 2002S
(High Court Criminal Action No. HAA021/26 of 2001L)

BETWEEN:

PENIASI LEE

Appellant

AND:

THE STATE

Respondent

Coram:

Gallen, JA
Smellie, JA
Ellis, JA

Hearing:

Friday, 9th May 2003, Suva

Counsel:

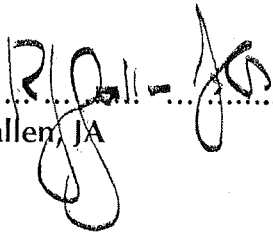
Appellant in Person
Mr. J. Naigulevu for the Respondent


Date of Judgment: Friday, 16th May, 2003

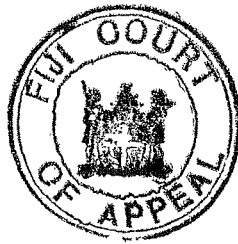
ORAL JUDGMENT OF THE COURT

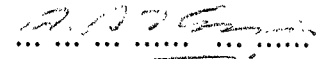
Mr Lee we are satisfied in this case that we have no jurisdiction to deal with the appeal since it is in fact an appeal against sentence and not one which gives rise to a question of law. We would go on to say however that while we have a concern over the severity of sentence in respect of the larceny if we had to consider

the matter from the point of view of a totality that is the whole of the sentence we should have come to the same conclusion that the sentence imposed upon you was not one with which we had any right to interfere.


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Gallen, JA


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Smellie, JA




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Ellis, JA

Solicitors:

Appellant in Person
Officer of the Director of Public Prosecutions, Suva for the Respondent