

IN THE COURT OF APPEAL, FIJI ISLANDS
AT SUVA

Appellate Jurisdiction

CRIMINAL APPEAL NO. AAU112 OF 2007

BETWEEN : JOJI CAVALEVU *Appellant*

AND : THE STATE *Respondent*

Before the Honourable Judge of Appeal Mr Justice John E Byrne

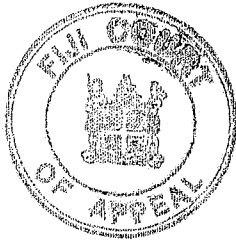
Counsel : Apellant - In Person
P. Bulamainaivalu for the Respondent

Date of Hearing & Ruling : 4th June 2008

R U L I N G

[1] On the 30th of January 2007 the Appellant pleaded guilty to a charge of *Attempted Rape* and was sentenced to 3 years imprisonment. The learned Judge of the High Court considered that his plea of guilty was the most important mitigating factor in his case, as indeed it was with those of the other persons who were charged with him. Three of them were charged with actual *Rape* and the Appellant with *Attempted Rape*. The Appellant seeks leave to appeal some 8 months out of time. The reason he gives is that he was initially sentenced to spend 1 week in the Lautoka Prison after which he was transferred to Nasinu.

- [2] Although I have serious reservations about giving him leave to appeal out of time I am prepared to do so but, as far as his application for leave to appeal to the Full Court of this Court is concerned, I reject it.
- [3] In my Judgment the sentence imposed by the Trial Judge in the High Court was reasonable in that he took into account all relevant factors and sentencing principles. His application for leave to appeal is therefore refused.



John E. Byrne

[John E Byrne]
JUDGE OF APPEAL

At Suva

4th June 2008