

**IN THE COURT OF APPEAL**  
**[On Appeal from the High Court]**

**CRIMINAL APPEAL NO: AAU0039/2013**  
**(High Court Case No. HAA014/2013LAB)**

**BETWEEN** : **SEAMUS RATUKALOU** *Appellant*

**AND** : **THE STATE** *Respondent*

**Coram** : **Hon. Mr. Justice Daniel Goundar**

**Counsel** : **Appellant in person**  
**Mr. M. Korovou for the Respondent**

**Date of Hearing** : **17 February 2016**

**Date of Ruling** : **1 March 2016**

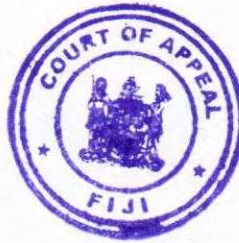
**RULING**

- [1] The appellant was sentenced to a total term of 3 years' imprisonment after he pleaded guilty to one count each of burglary and theft in the Magistrates' Court at Savusavu. The brief facts were that the appellant broke into the dwelling house of a foreign couple and stole property to a total value of \$6720.00. He appealed against the severity of his sentence to the High Court at Labasa. On 20 February 2014, the High Court dismissed that appeal.
- [2] On 1 April 2014, the appellant filed this appeal. The appeal is late by 45 days. In his own words, the appellant advanced six grounds of appeal. The complaints relate to the severity of sentence.
- [3] At the hearing of the application for an enlargement of time, the appellant informed the court that he did not want to continue with his appeal. He offered no submissions.
- [4] Being a second-tier appeal under section 22 of the Court of Appeal Act, Cap. 12, the appeal is limited to a question of law alone. The State submits that the appellant has

not presented any question of law alone and therefore he does not have a right of appeal. I accept this submission. In my judgment this appeal is bound to fail because the appellant has no right of appeal.

[5] **Result**

Appeal dismissed under section 35(2) of the Court of Appeal Act, Cap. 12.



A handwritten signature in black ink, appearing to read "Daniel Goundar", is written over a horizontal dotted line.

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Hon. Mr. Justice Daniel Goundar  
**JUSTICE OF APPEAL**

**Solicitors:**

Appellant in person.

Office of the Director of Public Prosecutions for the State.