

IN THE COURT OF APPEAL, FIJI ISLANDS
AT SUVA

CRIMINAL APPEAL NO. AAU0001 OF 2002S
(High Court Criminal Case No. HAA0117 of 98L)

BETWEEN:

INIA SILINABARAVI

Appellant

AND:

THE STATE

Respondent

APPEAL AGAINST SENTENCE

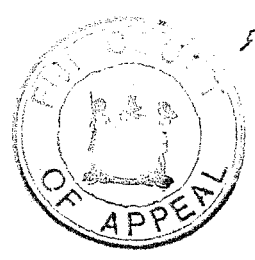
1. Following a plea of guilty the applicant was sentenced to an effective term of 8 years imprisonment on 2 counts of rape.
2. On 29 October 1998 the High Court summarily dismissed his appeal against sentence.
3. The applicant has now filed a further document, received in this Court on 4 January 2002, in which he purports to appeal against sentence again.
4. A second appeal against sentence is permitted only where the ground of appeal involves solely a question of law; Court of Appeal Act section 22 (1).
5. Although one of the matters raised by the applicant (alleged failure to apply the totality principle) is described by him as an error of law I do not consider

it is solely a question of law. Further the 2 matters raised are without any merit.

6. Further, the applicant says nothing to excuse the delay of 3 years in lodging his appeal.

7. In the circumstances I consider the appeal is vexatious or frivolous within the meaning of section 35(2) of the Court of Appeal Act. Acting under that provision, I dismiss the appeal.

Dated at Suva this 24 January 2002.



Thomas Eichelbaum
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Thomas Eichelbaum
Justice of Appeal