

IN THE COURT OF APPEAL, FIJI AT SUVA

CRIMINAL APPEAL NO. AAU0028 OF 2003S
(High Court Criminal Appeal No. HAA037 of 2003L)

BETWEEN:

POASA SILI

Applicant

AND:

THE STATE

Respondent

APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE

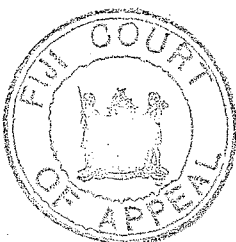
On 20 January 2003 the Applicant was sentenced to 4 ½ years' imprisonment by the Magistrates' Court sitting at Tavua for Robbery with violence and unlawful use of a motor vehicle.

The State appealed to the High Court against the sentence. On 29 July 2003, the High Court (Govind J.) dismissed the appeal. The learned Judge considered the appeal without merit a bank had been robbed and cane knives were used in the robbery. He said that such a brazen invasion which caused terror and fear in the bank officers affected, could not be tolerated.

The Applicant now seeks leave of this Court to appeal against the sentence. A second appeal to this Court is limited to questions of law only. The Applicant complains about the severity of the sentence, but does not raise any questions of law (Section 22(1A) Court of Appeal Act).

This application is bound to fail because there is no right of appeal and no right to seek leave to appeal. I dismiss the appeal under Section 35(2) of the Court of Appeal Act.

Dated at Suva this 18th November 2003.



A handwritten signature in dark ink, appearing to read "Sir Ian Barker".

Sir Ian Barker
Justice of Appeal