

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

Criminal Appeal No. AAU 104 of 2013
[HC Criminal Case No. HAM 270 of 2012S]

BETWEEN : JOVILISI GODROVAI
Appellant

AND : THE STATE
Respondent

Coram : Hon. Mr. Justice Goundar

Counsel : Mr. J. Savou for the Appellant
Mr. M. Korovou for the Respondent

Date of Hearing : 23 July 2014

Date of Ruling : 24 July 2014

RULING

- [1] The appellant was sentenced to 8 months' imprisonment for escaping from lawful custody after he pleaded guilty to the charge in the Magistrates' Court. The sentence for escaping was ordered to be served consecutively with his pre-existing prison sentence. The facts were that the appellant escaped from the prison while being a serving prisoner.
- [2] The appellant filed an untimely appeal against his sentence for escaping in the High Court. The High Court appeal was out of time by 2 years. The learned High Court judge refused an extension of time to appeal saying the appellant had not shown good cause for the delay, and the appeal in any event lacked merit.
- [3] The appellant then filed a timely appeal against the High Court's decision to this Court. By virtue of Section 22 of the Court of Appeal Act, the appellant's appeal against sentence is limited to the lawfulness of the sentence or an error of law in the sentence.

- [4] After receiving legal advice, the appellant filed a notice of abandonment of his appeal. This Court is not surprised by the appellant's decision. The grounds of appeal advanced by the appellant did not raise a question of law alone as required by section 22 of the Court of Appeal Act.
- [5] This appeal is bound to fail because there is no right of appeal.
- [6] The appeal is dismissed under section 35(2) of the Court of Appeal Act.



A handwritten signature in cursive script, likely belonging to Hon. Justice D. Goundar.

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Hon. Justice D. Goundar
JUDGE OF APPEAL

Solicitors:

Office of the Legal Aid Commission for the Appellant
Office of the Director of Public Prosecutions for the State