

**IN THE COURT OF APPEAL, FIJI**

**[APPELLATE JURISDICTION]**

**CRIMINAL APPEAL NO: AAU 111 OF 2011**  
**(Mag. Crt. Criminal Case No. 1434/08)**

**BETWEEN** : **TEVITA VAKATALAI**  
***Appellant***

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

**Coram** : **Mr. Justice Eric Basnayake**  
**Mr. Justice Daniel Goundar**

**Counsel** : **Appellant in Person**  
**Ms. M. Fong for the Respondent**

**Date of Hearing** : **25 November 2013**

**Date of Ruling** : **25 November 2013**

**JUDGMENT**

**Goundar JA:**

- [1] On 24 May 2011, the appellant was convicted of possession of Indian Hemp and sentenced to one year imprisonment in the Magistrates' Court exercising extended jurisdiction. He filed a timely appeal against sentence on numerous grounds.

[2] The appellant now seeks leave to abandon his appeal. He told the court that he had served his sentence and the appeal is now moot. The appellant has filed a signed Notice of Abandonment.

[3] A full inquiry was conducted in accordance with the guidelines provided by the Supreme Court in ***Jone Masirewa v The State***, Criminal Appeal No. CAV 0014 of 2000 into the appellant's decision to withdraw his appeal. After hearing the appellant, we are satisfied that the appellant understands the consequences of his decision and the withdrawal is deliberate, intentional and without mistake.

[4] We grant the appellant leave to abandon his appeal against sentence and we dismiss the appeal.



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**Hon. Justice Eric Basnayake**  
**Justice of Appeal**



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**Hon. Justice Daniel Goundar**  
**Justice of Appeal**

Solicitors:

Appellant in Person.

Office of the Director of Public Prosecutions for Respondent.