

**IN THE COURT OF APPEAL**  
**ON APPEAL FROM THE HIGH COURT**

**CRIMINAL APPEAL AAU 28 OF 2012**  
**(High Court HAC 120 of 2011)**

**BETWEEN** : **ALIVERETI KAMIKAMICA** *Appellant*

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

**Coram** : **Calanchini P**  
**Malalgoda JA**  
**Kumararatnam JA**

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

**Date of Hearing** : **16 May 2014**

**Date of Decision** : **30 May 2014**

**DECISION**

**Calanchini P**

[1] On 15 July 2011 the Appellant together with one other (Moape Dramainavesi) pleaded guilty to the charge of aggravated burglary and to the charge of theft in the

Magistrates Court at Suva exercising the extended jurisdiction of the High Court. On 7 October 2011 the Appellant was sentenced to terms of imprisonment of 3 years for each offence to be served concurrently with a non-parole term of 24 months.

- [2] By letter dated 25 March 2012 the Appellant sought leave to appeal against sentence out of time. The letter was received by the Registry on 12 April 2012.
- [3] By letter dated 25 February 2013 the Appellant applied to abandon his appeal against sentence.
- [4] The application is made under Rule 39 of the Court of Appeal Rules. In accordance with the decision of the Supreme Court in Masirewa –v- The State (unreported CAV 14 of 2008; 17 August 2010) the application was listed before the Full Court.
- [5] The Appellant confirmed to the Court that he still wanted to abandon his appeal. He stated that he was now serving his sentence as an extramural prisoner. He confirmed that his application had been made voluntarily. He stated that he understood the consequences for him if his application were to be granted.
- [6] Under the circumstances the application to abandon the appeal against sentence should be granted and the appeal dismissed.

**Malalgoda JA**

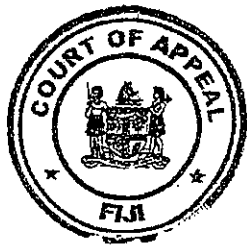
- [7] I agree with the decision of Calanchini P.

**Kumararatnam JA**

- [8] I too agree with the decision of Calanchini P.

**Orders:**

*Appeal dismissed.*



*W. Calanchini*

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HON. MR JUSTICE CALANCHINI  
PRESIDENT, COURT OF APPEAL

*Malalgoda*

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HON. MR JUSTICE MALALGODA  
JUSTICE OF APPEAL

*Kumararatnam*

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HON. MR JUSTICE KUMARARATNAM  
JUSTICE OF APPEAL