

IN THE COURT OF APPEAL
ON APPEAL FROM THE HIGH COURT

CRIMINAL APPEAL AAU 88 OF 2013
(High Court HAC 131 of 2012)

BETWEEN : **LITIA DIBALEIWAI AND**
SEREIMA MARAMA *Appellants*

AND : **THE STATE** *Respondent*

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

Counsel : **Ms N Nawasaitoga for the Appellants**
Mr M Korovou for the Respondent

Date of Hearing : **16 May 2014**

Date of Decision : **30 May 2014**

DECISION

Calanchini P

[1] On 12 February 2013 the Appellants pleaded guilty to the charge of aggravated robbery in the Magistrates Court at Nadi exercising the extended jurisdiction of the

High Court. On 10 May 2013 they were each sentenced to terms of imprisonment of 2 years with non-parole terms of 16 months.

- [2] By letter dated 24 August 2013 the Appellants sought leave to appeal against sentence out of time. The letter was not received by the Registry until 4 September 2013.
- [3] By an unsigned letter received in the Court of Appeal Registry on 25 November 2013 the Appellants applied to abandon that appeal.
- [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 placed before the Full Court.
- [5] Counsel for the Appellants confirmed that the applicants still wished to abandon their appeals. The Appellants stated that their reason for making the application related to the fact that their non-parole term was to come to an end before the next session of the Court. They confirmed that their decisions had been made voluntarily and without any coercion or inducement. They said that they understood the consequences for them if the Court granted their application.
- [6] Under the circumstances the applications to abandon the appeals against sentence should be granted and the appeals 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:

Appeals dismissed.

W. Calanchini

HON. MR JUSTICE CALANCHINI
PRESIDENT, COURT OF APPEAL



Malalgoda

HON. MR JUSTICE MALALGODA
JUSTICE OF APPEAL

Kumararatnam

HON. MR JUSTICE KUMARARATNAM
JUSTICE OF APPEAL