

IN THE COURT OF APPEAL, FIJI
ON APPEAL FROM THE MAGISTRATES COURT
Exercising extended jurisdiction

CRIMINAL APPEAL AAU 5 OF 2015
(Magistrates Court No: 1784 of 2014)

BETWEEN : **ALIKI MALUMU** *Appellant*

AND : **THE STATE** *Respondent*

Coram : Calanchini P
Basnayake JA

Counsel : No appearance for the Appellant
Mr L Fotofili for the Respondent

Date of Hearing : 16 November 2017

Date of Ruling : 14 December 2017

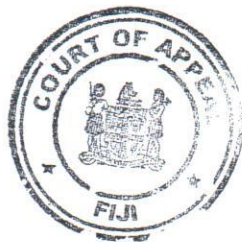
RULING

[1] On 18 December 2014 the Appellant was sentenced by the Magistrates Court exercising extended jurisdiction to a term of imprisonment of 34 months on one count of aggravated robbery.

- [2] The Appellant subsequently filed a timely notice of appeal against conviction and sentence. On 17 March 2016 the Appellant filed an application to abandon his appeal against conviction and sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the Supreme Court in **Masirewa –v- The State** (CAV 14 of 2008; 17 August 2010) the application to abandon the appeal was listed for hearing before the Court of Appeal. At the hearing there was no appearance by or on behalf of the Appellant. It would appear that he had served his sentence after having been granted the statutory remission.
- [4] The Appellant has not provided the Corrections Office, the Office of the Director of Public Prosecutions nor the Court of Appeal Registry with a forwarding address at which notices may be served.
- [5] Under the circumstances the appeal against conviction and sentence is dismissed.

Orders:

Appeal against conviction and sentence is dismissed.



A handwritten signature in black ink, appearing to read "W. Calanchini".

Hon Mr Justice Calanchini
PRESIDENT, COURT OF APPEAL

A handwritten signature in black ink, appearing to read "Hon Mr Justice Basnayake".

Hon Mr Justice Basnayake
JUSTICE OF APPEAL