

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

CRIMINAL APPEAL AAU 93 OF 2015
CRIMINAL APPEAL AAU 117 OF 2015
(Magistrates Court No: 651 of 2015 at Suva)

BETWEEN : MOLITONI KABUKIREWA
JOSEPH FABIANO
JOELI RARAWA

Appellants

AND : THE STATE

Respondent

Coram : Calanchini P
Lecamwasam JA

Counsel : Appellants in person
Mr M Vosawale for the Respondent

Date of Hearing : 16 November 2017

Date of Ruling : 14 December 2017

RULING

[1] The Appellants were convicted by the Magistrates Court exercising extended jurisdiction on 10 July 2015 on one count of aggravated robbery and each appellant was sentenced to 47 months imprisonment.

- [2] The Appellants subsequently filed timely notices of appeal against sentence. On 4 April 2016 the Appellants filed applications to abandon their appeals against 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 the appellants confirmed that the decisions to abandon their appeals were made voluntarily. They each confirmed that they had received legal advice and that they understood the consequences in the event that their applications were granted.
- [4] Under the circumstances the applications to abandon the appeals against sentence are granted and the appeals are dismissed.

Orders:

Appeals against sentence are dismissed.



W. Calanchini

Hon Mr Justice Calanchini
President, Court of Appeal

Lecamwasam

Hon Mr Justice Lecamwasam
Justice of Appeal