

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

CRIMINAL APPEAL AAU 101 OF 2015
(Magistrates Court No: 344 of 2015 at Nasinu)

BETWEEN : VILIKESA DELANA
Appellant

AND : THE STATE
Respondent

Coram : Calanchini P
Lecamwasam JA

Counsel : Mr M Fesaitu for the Appellant
Mr M Vosawale for the Respondent

Date of Hearing : 16 November 2017

Date of Ruling : 14 December 2017

RULING

- [1] The Appellant was convicted on his plea of guilty by the Magistrates Court exercising extended jurisdiction on one count of aggravated robbery and one count of theft. He was sentenced on 28 July 2015 to a term of imprisonment of 5 years and 7 months.

- [2] The Appellant subsequently filed a timely notice of appeal against conviction and sentence. He sought to abandon his conviction appeal on the first mention date. On 16 November 2017 the Appellant filed an application to abandon his appeal 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 appellant confirmed that his decision to abandon the appeal was made voluntarily. He confirmed that he had received legal advice and that he understood the consequences in the event that his application were granted.
- [4] Under the circumstances the application to abandon the appeal against conviction and sentence is granted and the appeal is dismissed.

Orders:

Appeal against conviction and sentence is dismissed.



W. Calanchini

Hon Mr Justice Calanchini
President, Court of Appeal

Lecamwasam

Hon Mr Justice Lecamwasam
Justice of Appeal