

IN THE COURT OF APPEAL, FIJI
ON APPEAL FROM THE HIGH COURT OF FIJI

CRIMINAL APPEAL AAU 64 OF 2015
(High Court HAC 42, 44 and 46 of 2010)

BETWEEN : **WAISAKE TUIMEREKI** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Guneratne JA
Bandara JA

Counsel : **Mr M Yunus for the Appellant**
Mr. M. Korovou for the Respondent

Date of Hearing : **13 February 2017**

Date of Ruling : **31 March 2017**

RULING

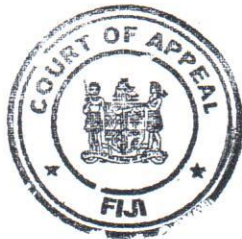
[1] The Appellant was convicted for the offence of robbery with violence and sentenced to a term of imprisonment of 8 years with a non-parole term of 6 years. The Appellant had pleaded guilty.

[2] On 2 June 2015 the Appellant filed a notice of appeal against conviction. The notice of appeal was filed some four years out of time. On 7 October 2016 the Appellant applied for leave to abandon his appeal.

[3] In accordance with the decision of the Supreme Court in Masirewa -v- The State (CAV 14 of 2008; 17 August 2010) the application was listed for hearing before the Court of Appeal. The Appellant confirmed that his decision to abandon his appeal was made voluntarily. He also confirmed that he had received legal advice and understood the consequences for him in the event that his application were to be granted. Under the circumstances the application to abandon the appeal against conviction is granted and the appeal is dismissed.

Order:

Appeal against conviction is dismissed.



W. Calanchini

Hon Mr Justice Calanchini
President, Court of Appeal

J. G. Guneratne

Hon Mr Justice Guneratne
Justice of Appeal

H. S. Bandara

Hon Mr Justice Bandara
Justice of Appeal