

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

CRIMINAL APPEAL AAU 138 OF 2015
(High Court HAC 235 of 2015)
(Magistrates Court No. 762 of 2015)

BETWEEN : IOSEFO VULA

Appellant

AND : THE STATE

Respondent

Coram : Calanchini P
Basnayake JA
Bandara JA

Counsel : Appellant in person
Mr. M. Korovou for the Respondent

Date of Hearing : 13 February 2017

Date of Ruling : 31 March 2017

RULING

- [1] The Appellant was convicted in the Magistrates Court at Nasinu exercising extended jurisdiction on one count of aggravated robbery and one count of theft. He was sentenced to a term of imprisonment of 5 years 9 months and 2 weeks.

- [2] By letter received on 26 October 2015 the Appellant applied for leave to appeal against conviction and sentence.
- [3] On 15 December 2015 the Appellant filed an application under Rule 39 of the Court of Appeal Rules seeking leave to abandon his appeal.
- [4] 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 in the event that his application were to be granted.
- [5] Under the circumstances the application to abandon the appeal against conviction and sentence is granted and the appeal is dismissed.

Order:

Appeal against conviction and sentence is dismissed.



W. Calanchini

Hon Mr Justice Calanchini
President, Court of Appeal

W. Basnayake

Hon Mr Justice Basnayake
Justice of Appeal

W. Bandara

Hon Mr Justice Bandara
Justice of Appeal