

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

CRIMINAL APPEAL AAU 151 OF 2014
(High Court HAC 166 of 2014)
(Magistrates Court No. 250 of 2013)

BETWEEN : ILAITIA TUIVANUAVOU
JAKO TUIVALAGI

Appellants

AND : THE STATE

Respondent

Coram : Calanchini P
Basnayake JA
Bandara JA

Counsel : No appearance for the Appellants
Mr. M. Korovou for the Respondent

Date of Hearing : 13 February 2017

Date of Ruling : 31 March 2017

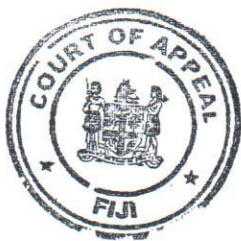
RULING

[1] On 3 December 2014 the Appellants filed a joint notice of appeal against sentence.

- [2] The Appellant Tuivanuvou was convicted for the offences of robbery, burglary and theft. On 27 October 2014 he was sentenced to a term of imprisonment of 2 years 3 months and 4 days with a non-parole term of 12 months. The Appellant Tuivalagi was convicted for the offences of aggravated robbery and absconding bail. On 27 October 2014 he was sentenced to a term of 2 years imprisonment with 12 months non-parole.
- [3] On 17 March 2016 both Appellants applied for leave to abandon their appeals against sentence under Rule 39 of the Court of Appeal Rules.
- [4] In accordance with the decision of the Supreme Court in **Masirewa -v- The State** (CAV 14 of 2008; 17 August 2010) the applications were listed for hearing before the Full Court. The Court was informed that both Appellants have been discharged from prison. Consequently their appeals against sentence are dismissed.

Order:

Appeals against sentence are dismissed.



W. Calanchini

Hon Mr Justice Calanchini
President, Court of Appeal

Mr Justice Basnayake

Hon Mr Justice Basnayake
Justice of Appeal

Hon Mr Justice Bandara

Hon Mr Justice Bandara
Justice of Appeal