

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

CRIMINAL APPEAL AAU 10 OF 2015
(High Court HAC 322 of 2011)

BETWEEN : WATANASIO CAMAIRA
Appellant

AND : THE STATE
Respondent

Coram : Calanchini P
Chandra JA

Counsel : Mr K Prasad for the Appellant
Mr R Kumar for the Respondent

Date of Hearing : 27 September 2018

Date of Ruling : 29 October 2018

RULING

Calanchini P

[1] Following a trial in the High Court at Suva the appellant was convicted on 6 counts of sexual assault and one count of rape. He pleaded guilty to a further count of sexual assault. He was sentenced to 13 years imprisonment with a non-parole term of 12 years.

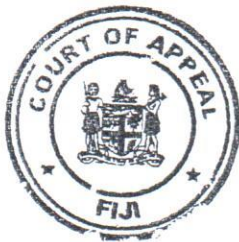
- [2] The Appellant subsequently filed a notice of appeal against sentence that was out of time by 1 year and 8 months. On 1 March 2017 Counsel for the Appellant informed the Court that the appellant wanted to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules. No notice was filed at that time. The application for enlargement of time to appeal against conviction was refused on 6 July 2018.
- [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 indicated that he wanted to pursue his sentence appeal and requested that his oral application to abandon his sentence appeal be marked withdrawn. He will need to apply for an enlargement of time to appeal against sentence.
- [4] Under the circumstances the application to abandon the appeal against sentence is marked withdrawn at the request of the appellant.

Chandra JA

- [5] I agree.

Order:

Application withdrawn.



W. Calanchini

Hon Mr Justice W. D. Calanchini
PRESIDENT, COURT OF APPEAL

S Chandra

Hon Mr Justice S Chandra
JUSTICE OF APPEAL