

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

CRIMINAL APPEAL NO. AAU 39 OF 2018
(High Court HAC 29 of 2017)
(Magistrates Court No: 467 of 2017 at Sigatoka)

BETWEEN : **EMOSI NAVATO**
NEPOTE VALAIBITO

Appellants

AND : **THE STATE**

Respondent

Coram : **Calanchini P**
Chandra JA

Counsel : **Ms S Nasedra for the Appellant**
Mr R Kumar for the Respondent

Date of Hearing : **22 November 2018**

Date of Ruling : **30 November 2018**

RULING

Calanchini P

- [1] The appellants were convicted on their pleas of guilty in the Magistrates Court at Sigatoka exercising extended jurisdiction of the High Court on one count of aggravated burglary and one count of theft. On 20 March 2018 they were each sentenced to terms of 2 years 6 months imprisonment with effect from 20 March 2018.

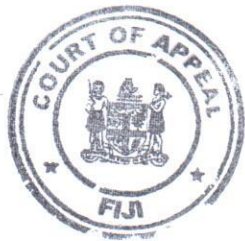
- [2] The Appellants subsequently filed timely notices of appeal against sentence. On 17 July 2018 the Appellants filed applications to abandon their appeals against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the Supreme Court in Masirewa -v- The State (CAV 14 of 2008; 17 August 2010) the applications to abandon the appeals were listed for hearing before the Court of Appeal. At the hearing the appellants confirmed that their decisions to abandon the appeals were made voluntarily. They confirmed that although they had not received legal advice they understood the consequences in the event that their applications were granted. They had each received notification of their probable release dates.
- [4] Under the circumstances the applications to abandon the appeals against sentence are granted and the appeals are dismissed.


Chandra JA

- [5] I agree.

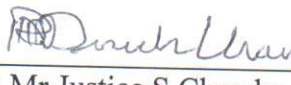
Orders:

Appeals against sentence are dismissed.





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



Hon Mr Justice S Chandra
JUSTICE OF APPEAL