

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

CRIMINAL APPEAL AAU 0081 OF 2013
(High Court HAC 155 of 2010 at Lautoka)

BETWEEN : **SULIANO WAISALE** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Chandra JA
Bandara JA

Counsel : **Appellant in person**
Ms P Madanavosa for the Respondent

Date of Hearing : **17 May 2018**

Date of Ruling : **1 June 2018**

RULING

Calanchini P

- [1] The appellant along with four others were each convicted on their pleas of guilty in the High Court at Lautoka for the offences of manslaughter, aggravated robbery (2 counts),

acting with intent to cause grievous bodily harm and assault causing actual bodily harm. The appellant was sentenced to 9 years imprisonment with a non-parole term of 7 years. A judge of the Court of Appeal refused leave to appeal against sentence. The appellant subsequently applied to renew his application for leave to the Full Court.

- [2] On 10 November 2017 the Appellant filed an application to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules. However, when the application was called for hearing the appellant sought further time from the Court to consider the application.
- [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 his appeal was again listed for hearing before the Court of Appeal. At the hearing the appellant confirmed that he wanted to proceed with the application and that his decision to abandon the appeal was made voluntarily. He advised that he had not received legal advice but he understood the consequences in the event that his application were granted.
- [4] Under the circumstances the application to abandon the appeal against sentence is granted and the appeal is dismissed.

Chandra JA

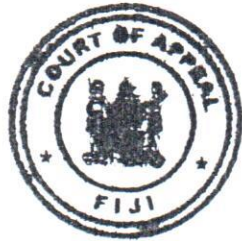
- [5] I agree.

Bandara JA

- [6] I agree.

Orders:

Appeal against sentence is dismissed.



W. Calanchini

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

S. Chandra

Hon. Justice S Chandra
JUSTICE OF APPEAL

W. Bandara

Hon. Justice W Bandara
JUSTICE OF APPEAL