

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

**CRIMINAL APPEAL AAU 0182 OF 2016**  
(Magistrates Court No: 417 of 2016 at Lautoka)

**BETWEEN** : WILLIAM FONOLANI  
*Appellant*

**AND** : THE STATE  
*Respondent*

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

**Counsel** : Mr M Fesaitu for the Appellant  
Ms P Madanavosa for the Respondent

**Date of Hearing** : 17 May 2018

**Date of Ruling** : 1 June 2018

**RULING**

**Calanchini P**

[1] The appellant was convicted on his plea of guilty in the Magistrates Court at Lautoka exercising the extended jurisdiction of the High Court on one count of aggravated

robbery. He was sentenced to 4 years imprisonment with no non-parole fixed by the sentencing court.

[2] The Appellant subsequently filed a timely notice of appeal against conviction and sentence. On 2 February 2018 the Appellant filed an application to abandon his appeal against conviction and 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 application to abandon his appeal was listed for hearing before the Court of Appeal. At the hearing the appellant confirmed that his decision to abandon the appeal was made voluntarily. He confirmed that he had received legal advice and that he understood the consequences in the event that his application were granted.

[4] Under the circumstances the application to abandon the appeal against conviction and sentence is granted and the appeal is dismissed.

**Chandra JA**

[5] I agree.

**Bandara JA**

[6] I agree.

Orders:

*Appeal against conviction and 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**