

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

CRIMINAL APPEAL NO. AAU 8 OF 2016
(Magistrates Court No: 1211 of 2015 at Suva)

BETWEEN : **OPETI RAVUDI**
Appellant

AND : **THE STATE**
Respondent

Coram : **Calanchini P**
Chandra JA

Counsel : **Ms S Nasedra for the Appellant**
Ms L Bogitini for the Respondent

Date of Hearing : **28 May 2019**

Date of Ruling : **27 June 2019**

RULING

Calanchini P

[1] The appellant was convicted on his plea of guilty on one count of aggravated robbery by the Magistrates Court at Suva exercising extended jurisdiction. On 22 September 2015 the appellant was sentenced to 5 years 2 months imprisonment with a non-parole term of 4 years.

[2] The Appellant subsequently filed a timely notice of appeal against conviction and sentence. On 20 January 2019 the Appellant filed an application to abandon his appeal against conviction and sentence pursuant to Rule 39 of the Court of Appeal Rules. The appellant then applied to withdraw his abandonment notice and the application was granted. The appellant filed a second application to abandon his appeal against conviction and sentence on 24 April 2019.

[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 confirmed that his decision to abandon the appeal was made voluntarily. Although he had not received legal advice he confirmed that he understood the consequences in the event that his application were granted. He also confirmed that he had been advised of the anticipated date of discharge.

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

Chandra JA

[5] I agree.

Order:

Appeal against conviction and sentence is dismissed.



W. Calanchini

Hon Mr Justice W D Calanchini
PRESIDENT, COURT OF APPEAL

S. Chandra

Hon Mr Justice S Chandra
JUSTICE OF APPEAL