

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

CRIMINAL APPEAL NO. AAU 137 OF 2015
(High Court HAC 349 of 2013)

BETWEEN : ILIESA TURAGACATI
Appellant

AND : FIJI INDEPENDENT COMMISSION
AGAINST CORRUPTION
Respondent

Coram : Calanchini P
Chandra JA

Counsel : Mr T Lee for the Appellant
Ms F Puleiwai for the Respondent

Date of Hearing : 20 May 2019

Date of Ruling : 27 June 2019

RULING

Calanchini P

[1] The appellant was convicted by the High Court at Suva on one count of receiving a bribe and one count of causing a loss. On 24 June 2015 he was sentenced to 6 years imprisonment with a non-parole term of 4 years.

- [2] The Appellant subsequently filed a notice of appeal against conviction that was out of time by about 4 months. On 8 April 2019 the Appellant filed an application to abandon his appeal against conviction 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 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 acknowledged that there was seven years remaining on his sentence.
- [4] Under the circumstances the application to abandon the appeal against conviction should be granted and the appeal dismissed.

Chandra JA

- [5] I agree.

Order:

Appeal against conviction is dismissed.



W. Calanchini

Hon Mr Justice W D Calanchini
PRESIDENT, COURT OF APPEAL

S Chandra

Hon Mr Justice S Chandra
JUSTICE OF APPEAL