

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

**CRIMINAL APPEAL NO. AAU 143 OF 2017**  
(Magistrates Court No: 170 and 171 of 2017 at Rakiraki)

**BETWEEN** : **LAITIA RABUAQALI** *Appellant*

**AND** : **THE STATE** *Respondent*

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

**Counsel** : **Ms V Narara for the Appellant**  
**Ms W Elo for the Respondent**

**Date of Hearing** : **2 October 2019**

**Date of Ruling** : **25 October 2019**

**RULING**

**Calanchini P**

[1] The appellant was convicted on 2 counts of aggravated burglary and 2 counts of theft by the Magistrates Court at Rakiraki exercising extended jurisdiction. The appellant was

sentenced to 24 months imprisonment for those offences and a further term of 10 months in respect of a suspended sentence imposed earlier.

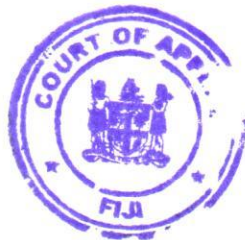
- [2] The Appellant subsequently filed a timely notice of appeal against sentence. On 11 July 2019 the Appellant filed an application to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the Supreme Court in **Masirewa –v- The State** (CAV 14 of 2008; 17 August 2010) the 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. He confirmed that he had received legal advice and that he understood the consequences in the event that his application were granted. He informed the Court that he had been advised that his proposed discharge date is 29 February 2020.
- [4] Under the circumstances the application to abandon the appeal against sentence is granted and the appeal is dismissed.

**Chandra JA**

- [5] I agree.

Order:

*Appeal against sentence is dismissed.*



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

Hon Mr Justice S Chandra  
**JUSTICE OF APPEAL**