

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

CRIMINAL APPEAL NO. AAU 150 OF 2016
(High Court HAC 177 of 2016)

BETWEEN : **EPELI NAYACAKURU ROKOBAI**
ANARE SIKOA

Appellants

AND : **THE STATE**

Respondent

Coram : **Calanchini P**
Chandra JA

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

Date of Hearing : **2 October 2019**

Date of Ruling : **25 October 2019**

RULING

Calanchini P

[1] The appellants were convicted on their pleas of guilty by the High Court at Suva on one count of aggravated robbery. On 20 September 2016 the appellants were each sentenced to 8 years 6 months imprisonment with non-parole terms of 6 years 6 months.

- [2] The Appellants subsequently filed a timely joint notice of appeal against sentence. On 11 July 2019 the Appellants filed applications to abandon their appeals 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 applications to abandon the appeals were listed for hearing before the Court of Appeal. At the hearing the appellants both confirmed that their decisions to abandon their appeals were made voluntarily. They confirmed that they had received legal advice and that they understood the consequences in the event that their applications were granted.
- [4] Under the circumstances the applications to abandon the appeals against sentence are granted and the appeals are dismissed.

Chandra JA

- [5] I agree.

Order:

Appeals against sentence are dismissed.



W. Calanchini

Hon Mr Justice W D Calanchini
PRESIDENT, COURT OF APPEAL

S Chandra

Hon Mr Justice S Chandra
JUSTICE OF APPEAL