

IN THE COURT OF APPEAL, FIJI  
On appeal from the High Court of Fiji

CRIMINAL APPEAL AAU 28 of 2013  
(High Court HAC 12 of 2012)

BETWEEN : TEVITA BULUMAKAU  
*Appellant*

AND : THE STATE  
*Respondent*

Coram : Calanchini P  
Waidyaratne JA  
Prematilaka JA

Counsel : Appellant in person.  
Ms P. Madanavosa for the Respondent.

Date of Hearing : 16 September 2016

Date of Ruling : 30 September 2016

RULING

[1] The Appellant pleaded guilty to a charge of aggravated robbery contrary to Section 311(1)(a) of the Crimes Decree 2009. He was formally convicted and sentenced to a term of imprisonment of 8 ½ years with a non-parole term of 7 years.

- [2] The Appellant subsequently filed an application for leave to appeal against sentence. Leave was refused by a single Judge of the Court of Appeal on 1 August 2014.
- [3] Instead of renewing his application for leave to appeal before the Court of Appeal under Section 35(3) of the Court of Appeal Act Cap 12, the Appellant has filed an application for leave to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [4] In accordance with the decision of the Supreme Court in Masirewa -v- The State (CAV 14 of 2008; 17 August 2010) the application was listed for hearing before the Court of Appeal.
- [5] At the hearing the Appellant confirmed that the application had been made voluntarily. He indicated that he had decided to abandon the appeal against sentence because his sentence was appropriate. The consequences for him in the event that his application was granted were explained. The Appellant acknowledged that he understood that his appeal would be dismissed.
- [6] Therefore the application to abandon the appeal against sentence is granted and the appeal is dismissed.

Order:

*Appeal against sentence is dismissed.*



*W. Calanchini*  
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HON MR JUSTICE W. D. CALANCHINI  
President, Court of Appeal

*C. Waidyaratne*  
.....  
HON. MR. JUSTICE C. WAIDYARATNE  
Justice of Appeal

*C. Prematilaka*  
.....  
HON. MR. JUSTICE C. PREMATILAKA  
Justice of Appeal