

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

CRIMINAL APPEAL AAU 55 of 2015

(High Court HAC 255 of 2014)
(Extended Jurisdiction 15 of 2014)

BETWEEN : SAMUELA TOROUA
MOSESE SOLOIKA

Appellants

AND : THE STATE

Respondent

Coram : Calanchini P
Guneratne JA
Prematilaka JA

Counsel : Appellants in person
Mr M Korovou for the Respondent

Date of Hearing : 18 November 2016

Date of Ruling : 19 December 2016

RULING

[1] The Appellants pleaded guilty to one count of aggravated robbery contrary to section 311(1) (a) of the Crimes Decree 2009 in the Magistrates Court at Suva in the exercise of extended jurisdiction granted by the High Court under section 4(2) of the Criminal

Procedure Decree 2009. On 1 April 2015 each Appellant was sentenced to a term of imprisonment of 2 years and 10 months by the Magistrates Court.

- [2] In the case of an appeal from the Magistrates Court exercising jurisdiction extended by the High Court the right of appeal lies to the Court of Appeal.
- [3] The Appellants filed a timely combined notice of appeal against sentence on 28 April 2016. On 18 August 2016 they each signed a notice of intention to abandon their appeals pursuant to Rule 39 of the Court of Appeal Rules (the Rules). 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.
- [4] Each Appellant confirmed that he wanted to abandon his appeal against sentence. Each confirmed that his decision had been made voluntarily. Although neither had received legal advice each confirmed, when explained by the Court, that he understood the consequence for him if the application were to be granted.
- [5] Under the circumstances the application of each Appellant to abandon his appeal against sentence is granted and the appeal is dismissed.

Orders:

Appeals against sentence are dismissed.



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

J. Guneratne
.....
Hon. Justice Guneratne
JUSTICE OF APPEAL

C. Prematilaka
.....
Hon. Mr. Justice C. Prematilaka
JUSTICE OF APPEAL