

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

**CRIMINAL APPEAL AAU 33 OF 2016**  
(Magistrates Court No: 374 of 2015 at Nadi)

**BETWEEN** : **PATRICK MORREL** *Appellant*

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

**Coram** : **Calanchini P**  
**Prematilaka JA**

**Counsel** : **Mr M Fesaitu for the Appellant**  
**Mr M Vosawale for the Respondent**

**Date of Hearing** : **20 November 2017**

**Date of Ruling** : **14 December 2017**

**RULING**

[1] The Appellant was convicted on his plea of guilty by the Magistrates Court at Nadi exercising extended jurisdiction on one count of aggravated robbery. On 14 March 2016 he was sentenced to a term of imprisonment of 2 years 11 months with a non-parole term of 2 years

- [2] The Appellant subsequently filed a timely notice of appeal sentence. On 7 April 2017 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 although he had not received legal advice he understood the consequences in the event that his application were granted.
- [4] Under the circumstances the application to abandon the appeal against sentence is granted and the appeal is dismissed.

Orders:

*Appeal against sentence is dismissed.*



*W. Calanchini*

Hon Mr Justice Calanchini  
PRESIDENT, COURT OF APPEAL

*S. Prematilaka*

Hon Mr Justice Prematilaka  
JUSTICE OF APPEAL