

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

CRIMINAL APPEAL AAU 118 OF 2015
(Magistrates Court No: 470 of 2015 at Nausori)

BETWEEN : **JOSEVA NAVUSOLO**
Appellant

AND : **THE STATE**
Respondent

Coram : **Calanchini P**
Guneratne JA

Counsel : **Ms S Nasedra for the Appellant**
Mr S Vodokisolomone for the Respondent

Date of Hearing : **16 November 2017**

Date of Ruling : **14 December 2017**

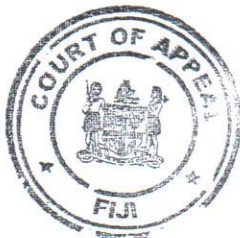
RULING

[1] The Appellant was convicted on 1 September 2015 by the Magistrates Court exercising extended jurisdiction on one count of aggravated robbery. He was sentenced to a term of imprisonment of 7 years.

- [2] The Appellant subsequently filed a timely notice of appeal against sentence and later a notice of appeal against conviction that was out of time by about 2 months. On 26 April 2017 the Appellant filed an application to abandon his appeal against conviction and 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 was granted.
- [4] Under the circumstances the application to abandon the appeal against conviction and sentence is granted and the appeal is dismissed.

Orders:

Appeal against conviction and sentence is dismissed.



W. Calanchini

Hon Mr Justice Calanchini
President, Court of Appeal

Ida G. Guneratne

Hon Justice Almeida Guneratne
Justice of Appeal