

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

CRIMINAL APPEAL AAU 120 OF 2015
(High Court HAC 36 of 2015 at Labasa)

BETWEEN : MAIKELI RAISESE

Appellant

AND : THE STATE

Respondent

Coram : Calanchini P
Guneratne JA

Counsel : Ms T Kean 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 by the High Court on one count of rape and sentenced to 13 years imprisonment with a non-parole term of 12 years. The complainant was a child.

- [2] The Appellant subsequently filed a timely notice of appeal against sentence. On 14 July 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 he had received legal advice and that 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

Almeida Guneratne

Hon Justice Almeida Guneratne
Justice of Appeal