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

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CRIMINAL APPEAL AAU 133 OF 2015
(Magistrates Court No: 1211 of 2015)

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BETWEEN   :   **WAISEA VUSONITOKALAU**
                              OPETI RAVUDI

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Appellants

</div>

AND   :   **THE STATE**

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Respondent

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Coram   :   **Calanchini P**
                              Guneratne JA

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

Date of Hearing :   **16 December 2017**

Date of Ruling   :   **14 December 2017**

RULING

[1]   The Appellant with one other (Opeti Ravudi) was convicted on 22 September 2015 on one count of aggravated robbery by the Magistrates Court at Suva exercising extended jurisdiction. Each was sentenced to terms of imprisonment of 5 years 2 months with a non-parole terms of 4 years.

[2]   The Appellants subsequently filed a timely joint notice of appeal against conviction and sentence. On 20 January 2017 both Appellants filed an application to abandon their appeals 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 applications to abandon the appeals were listed for hearing before the Court of Appeal. At the hearing the appellant Vusonitokalau 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 applications were granted. The Appellant Ravudi informed the Court that he wanted to withdraw his notice of abandonment. That application was allowed.

[4]   Under the circumstances the application by Vusonitokalau to abandon his appeal against conviction and sentence is granted and the appeal is dismissed. The appeal by Ravudi is listed for mention on 2 February 2018 at 11.30am.

Orders:

Appeal by Vusonitokalau against conviction and sentence is dismissed.
Appeal by Ravudi is listed for mention on 2 February 2018 at 11.30am.

Hon Mr Justice Calanchini
PRESIDENT, COURT OF APPEAL

Hon Justice Almeida Guneratne
JUSTICE OF APPEAL