

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

CRIMINAL APPEAL AAU 45 OF 2015
(Magistrates Court No: 425 of 2014 at Nausori)

BETWEEN : **RUSIATE SEDUADUA**
JONASA NABUKA
EPARAMA CAKAU

Appellants

AND : **THE STATE**

Respondent

Coram : **Calanchini P**
Basnayake JA

Counsel : **Mr M Fesaitu for the Appellants**
Mr L Fotofili for the Respondent

Date of Hearing : **16 November 2017**

Date of Ruling : **14 December 2017**

RULING

[1] The three Appellants were charged jointly with one count of aggravated robbery contrary to section 311(1)(a) of the Crimes Act 2009. The Appellants pleaded guilty and were convicted by the Magistrates Court exercising extended jurisdiction. On 23 March 2015

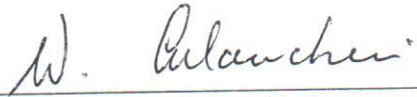
the Appellants were each sentenced by the Magistrates Court to terms of imprisonment of 5 years with a non-parole term of 4 years.

- [2] The Appellants subsequently filed a timely notice of appeal against the sentences. On 31 May 2017 each 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 applications to abandon the appeals were listed for hearing before the Court of Appeal. At the hearing the appellants each 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 applications to abandon their appeals against sentence are granted and the appeals are dismissed.


Orders:

Appeals against sentence are dismissed.





Hon Mr Justice Calanchini
PRESIDENT, COURT OF APPEAL



Hon Mr Justice Basnayake
JUSTICE OF APPEAL