

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

CRIMINAL APPEAL AAU 98 OF 2014
(High Court HAC 197 of 2013 at Lautoka)

BETWEEN : KOLINIO RAIKOTI RAISAMU
Appellant

AND : THE STATE
Respondent

Coram : Calanchini P
Basnayake JA

Counsel : Mr M Fesaitu for the Appellant
Mr L Fotofili for the Respondent

Date of Hearing : 16 November 2017

Date of Ruling : 14 December 2017

RULING

[1] The Appellant was convicted and sentenced by the High Court at Lautoka on 8 July 2014 on 2 counts of rape contrary to section 207 of the Crimes Act 2009. He was sentenced to 13 years imprisonment with a non-parole term of 12 years.

- [2] The Appellant subsequently filed a timely notice of appeal against conviction and sentence. On 5 April 2016 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 were 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

[Signature]

Hon Mr Justice Basnayake
JUSTICE OF APPEAL