

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

CRIMINAL APPEAL AAU 124 OF 2014
(Magistrates Court at Suva No: 1241 of 2013)

BETWEEN : **ILIESA SIVARO** *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

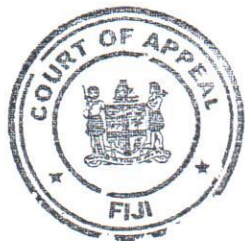
RULING

[1] The Appellant was convicted and sentenced on one count of aggravated robbery by the Magistrates Court at Suva exercising the extended jurisdiction of the High Court. The sentence imposed by the Court on 11 July 2014 was 21 months imprisonment.

- [2] The Appellant subsequently filed a timely notice of appeal against conviction and sentence. On 23 March 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 did not appear as he had already served his sentence.
- [4] The Appellant had not provided a forwarding address at which notices may be served.
- [5] Under the circumstances the appeal against conviction and sentence 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