

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

**CRIMINAL APPEAL AAU 91 OF 2015**  
**(Mag. Court No. 2081 of 2014)**

**BETWEEN** : **JOSEPH VAKALOLOMA** *Appellant*

**AND** : **THE STATE** *Respondent*

**Coram** : **Calanchini P**  
**Basnayake JA**  
**Bandara JA**

**Counsel** : **Mr. M. Yunus for the Appellant**  
**Mr. M. Korovou for the Respondent**

**Date of Hearing** : **13 February 2017**

**Date of Ruling** : **31 March 2017**

**RULING**

- [1] The Appellant was convicted in the Magistrates Court at Suva, exercising extended jurisdiction, on one count of aggravated robbery and was sentenced to a term of imprisonment of six (6) years with a non-parole term of three (3) years.

- [2] By letter dated the 20 July 2015 the Appellant applied for leave to appeal against conviction (ground 6) and against sentence (grounds 1-5).
- [3] By notice dated 15 July 2016 the Appellant filed an application under Rule 39 of the Court of Appeal Rules seeking leave to abandon his appeal.
- [4] In accordance with the decision of the Supreme Court in Masirewa -v- The State (CAV 14 of 2008; 17 August 2010) the application was listed for hearing before the Full Court. The Appellant confirmed that his decision to abandon his appeal was made voluntarily. He also confirmed that he had received legal advice on both his conviction and sentence appeals. He indicated that he understood the consequences for him in the event that his application were to be granted.
- [5] Under the circumstances the application to abandon the appeal against conviction and sentence is granted and the appeal is dismissed.

Order:

*Appeal against conviction and sentence is dismissed.*



*W. Calanchini*

Hon Mr Justice Calanchini  
**President, Court of Appeal**

*Basnayake*

Hon Mr Justice Basnayake  
**Justice of Appeal**

*Bandara*

Hon Mr Justice Bandara  
**Justice of Appeal**