

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

CRIMINAL APPEAL NO. AAU 184 OF 2016
(High Court HAC 316 of 2014)
(Magistrates Court No: 1456 of 2014 at Nasinu)

BETWEEN : **TANIELA QIONIMACAWA**
Appellant

AND : **THE STATE**
Respondent

Coram : Calanchini P
Chandra JA

Counsel : Mr T Lee for the Appellant
Mr M Vosawale for the Respondent

Date of Hearing : 22 November 2018

Date of Ruling : 30 November 2018

RULING

Calanchini P

- [1] The appellant (with one other Manoa Tabualumi) was convicted on his plea of guilty in the Magistrates Court at Nasinu exercising extended jurisdiction of the High Court on

one count of aggravated robbery. On 6 May 2016 the appellant was sentenced to 8 years imprisonment with a non-parole term of 5 years.

- [2] The Appellant subsequently filed a notice of appeal against conviction and sentence that was out of time by about 6 months. On 20 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) that application to abandon the late 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. On legal advice he accepts both the conviction and the sentence.
- [4] Under the circumstances the application to abandon the late appeal against conviction and sentence is granted and the appeals are dismissed.


Chandra JA

- [5] I agree.

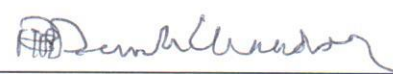
Orders:

Appeals against conviction and sentence are dismissed.





Hon Mr Justice W. D. Calanchini
PRESIDENT, COURT OF APPEAL



Hon Mr Justice S Chandra
JUSTICE OF APPEAL