

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

CRIMINAL APPEAL NO. AAU 100 OF 2017
(High Court HAA 74 of 2016)

BETWEEN : **OSEA ROKOSAVU** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Chandra JA

Counsel : **Appellant in person**
Ms S Tivao for the Respondent

Date of Hearing : **24 May 2019**

Date of Ruling : **27 June 2019**

RULING

Calanchini P

[1] The appellant was convicted on one count of robbery by the Magistrates Court at Lautoka. He appealed against conviction and sentence to the High Court at Lautoka. The High Court dismissed the appeal against conviction and allowed his appeal against sentence. The sentence of 7 years 6 months and 2 weeks imprisonment imposed by the Magistrates Court was reduced to 3 years imprisonment with a non-parole term of 30 months.

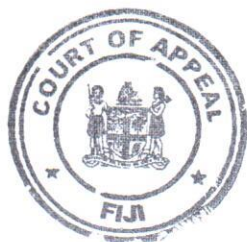
- [2] The Appellant subsequently filed a timely notice of appeal against sentence under section 22 of the Court of Appeal Act. On 5 April 2019 the Appellant filed an application to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the Supreme Court in Masirewa -v- The State (CAV 14 of 2008; 17 August 2010) the 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 although he had not received legal advice, he understood the consequences in the event that his application were granted.
- [4] Under the circumstances the application to abandon the appeal against sentence should be granted and the appeal dismissed.

Chandra JA

- [5] I agree.

Order:

Appeal against sentence is dismissed.



W. Calanchini

Hon Mr Justice W D Calanchini
PRESIDENT, COURT OF APPEAL

S Chandra

Hon Mr Justice S Chandra
JUSTICE OF APPEAL