

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

CRIMINAL APPEAL NO. AAU 99 OF 2015
(Magistrates Court No: 714 of 2010 at Suva)

BETWEEN : **MIKAELE WAQA** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Chandra JA

Counsel : **Mr M Fesaitu for the Appellant**
Ms S Kiran for the Respondent

Date of Hearing : **24 September 2019**

Date of Ruling : **25 October 2019**

RULING

Calanchini P

[1] Following a trial in the Magistrates Court at Suva exercising extended jurisdiction the appellant (along with 2 others) was convicted on two counts of aggravated robbery. On 7 August 2015 he was sentenced to 7 years 6 months imprisonment on each count to be served concurrently with a non-parole term of 6 years.

- [2] The Appellant subsequently filed a timely notice of appeal against conviction and sentence. On 2 May 2018 the Appellant filed an application to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules. On 19 July 2019 the appellant then filed an application to abandon his appeal against conviction.
- [3] In accordance with the decision of the Supreme Court in **Masirewa -v- The State** (CAV 14 of 2008; 17 August 2010) the applications to abandon the appeals were listed for hearing before the Court of Appeal. At the hearing the appellant confirmed that his decisions to abandon the appeals was made voluntarily. He confirmed that he had received legal advice and that he understood the consequences in the event that his applications were granted.
- [4] Under the circumstances the applications to abandon the appeal against conviction and sentence are granted and the appeals are dismissed.


Chandra JA

- [5] I agree.


Order:

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