

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

**CRIMINAL APPEAL NO. AAU 136 OF 2015**  
(Magistrates Court NO: 8 of 2011 at Vunidawa)

**BETWEEN** : **MANASA RADROTINI**  
**APOROSA TUICOLO**  
**OVETI KORODRAU**

*Appellants*

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

*Respondent*

**Coram** : **Calanchini P**  
**Chandra JA**

**Counsel** : **Ms A Veretawatini for the Appellants**  
**Mr R Kumar for the Respondent**

**Date of Hearing** : **13 February 2019**

**Date of Ruling** : **29 March 2019**

**RULING**

**Calanchini P**

- [1] Following a trial in the Magistrates Court at Vunidawa exercising extended jurisdiction of the High Court the appellants were convicted on one count of aggravated robbery. On 16 September 2015 the appellants were each sentenced to terms of imprisonment of 5 years with non-parole terms of 4 years.

- [2] The appellants subsequently filed a timely notice of appeal against conviction and sentence. Leave to appeal against conviction was refused in a Ruling dated 23 October 2018. The appellants have not applied to renew their leave application before the Full Court. On 3 May 2018 the Appellants each filed an application to abandon the 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 appellants confirmed that their decisions to abandon their appeals were made voluntarily. They confirmed that they had received legal advice and that they understood the consequences in the event that their applications were granted.
- [4] Under the circumstances the application to abandon the appeals against sentence should be granted and the appeals should be dismissed.

**Chandra JA**

- [5] I agree.

Order:

*Appeals against sentence are dismissed.*



*W. Calanchini*

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

*S. Chandra*

Hon Mr Justice S Chandra  
**JUSTICE OF APPEAL**