

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

CRIMINAL APPEAL AAU 30 OF 2016
(Magistrates Court No: 737 of 2015 at Lautoka)

BETWEEN : **KOLINIO TAWAKE**
SEMI RALULU
TANIELA DRIU

Appellants

AND : **THE STATE**

Respondent

Coram : **Calanchini P**
Prematilaka JA

Counsel : **Mr M Fesaitu for the Appellants**
Mr M Vosawale for the Respondent

Date of Hearing : **20 November 2017**

Date of Ruling : **14 December 2017**

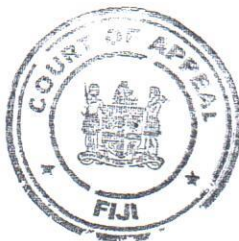
RULING


[1] The Appellants were convicted on their pleas of guilty by the Magistrates Court at Lautoka exercising extended jurisdiction on one count of aggravated robbery. On 17 February 2016 each Appellant was sentenced to a term of imprisonment of 8 years.

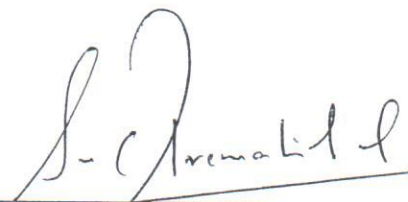
- [2] The Appellants subsequently filed a timely joint notice of appeal against sentence. On 5 October 2017 each Appellant filed an application to abandon the appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the Supreme Court in **Masirewa -v- The State** (CAV 14 of 2008; 17 August 2010) the applications to abandon the appeal were listed for hearing before the Court of Appeal. At the hearing each appellant confirmed that his decision to abandon the appeal was made voluntarily. They each 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 applications to abandon the appeals against sentence are granted and the appeals are dismissed.

Orders:

Appeals against sentence are dismissed.




Hon Mr Justice Calanchini
PRESIDENT, COURT OF APPEAL


Hon Mr Justice Prematilaka
JUSTICE OF APPEAL