

IN THE COURT OF APPEAL
[APPELATE JURISDICTION]

(Criminal Appeal No. AAU 0072 of 2012)
(MCT Criminal Case No. 849 of 2011)

BETWEEN : **ISIKELI BALE**
Appellant

AND : **STATE**
Respondent

(Criminal Appeal No. AAU 0015 of 2013)
(MCT CF: 931 of 2012)

BETWEEN : **CARLOS YADRACA**
Appellant

AND : **STATE**
Respondent

(Criminal Appeal No. AAU 0033 of 2013)
(HAC. 081 of 2012)

BETWEEN : **USENIO VARAYAME**
Appellant

AND : **STATE**
Respondent

Coram : Chandra JA
Goundar JA

Counsel : Appellants in person
Ms P. Madanavosa for the Respondents

Date of Hearing : 03 April 2014

Date of Judgment : 03 April 2014

JUDGMENT

- [1] The three appellants seek the leave of the Court to withdraw their respective appeals. In each case, the appeal was filed in person by the appellants.
- [2] The principles governing withdrawals of an appeal by an unrepresented appellant were set out by the Supreme Court in Masirewa v State Criminal Appeal No. CAV 0014 of 2008S at paragraph 11.

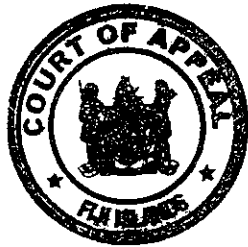
“11. Where written or oral applications are made by an unrepresented petitioner seeking leave to withdraw an appeal, appellate courts should proceed with caution. It would be prudent for instance to ask the petitioner, on the day the matter is listed for hearing, why the petition was to be withdrawn, whether any pressure had been brought to bear on the petitioner to do so, and whether the decision to abandon had been considered beforehand. This inquiry should be made of the petitioner personally and recorded even in cases where the petitioner is represented. The purpose of the inquiry is to establish that the decision to withdraw has been made deliberately, intentionally and without mistake. Ideally, the decision should be informed also. That aspect is not always an easy matter to achieve in a jurisdiction such as Fiji with limited access to appellate advice, and occasionally if rarely, will give rise to difficulty”.

[3] We conducted an inquiry in accordance with the above principles with each appellant. All three appellants informed the Court that they made their decisions to withdraw freely and voluntarily. They also informed the Court that they understood the consequences of their decision to withdraw their appeals.

[4] In all three cases, we are satisfied that the appellants' decisions to withdraw their appeals are freely and competently made without mistake, and with the full understanding of the consequences.

[5] **The Orders of the Court are:**

1. Leave granted.
2. Appeals dismissed.



S. Chandra
.....
Hon. Justice S. Chandra
JUSTICE OF APPEAL

D. Goundar
.....
Hon. Justice D. Goundar
JUSTICE OF APPEAL

Counsel:

Appellants in person

Office of the Director of Public Prosecutions for Respondent.