

**IN THE COURT OF APPEAL**  
**[On Appeal from the High Court]**

**CRIMINAL APPEAL NO. AAU0114 of 2013**  
**(High Court Case No. HAC 159 of 2012Ltk)**

**BETWEEN** : **JOSEFA TOKAIBAU**  
*Appellant*

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

**Coram** : Chandra JA  
Goundar JA

**Counsel** : Appellant in person  
Mr. V. Perera for the Respondent

**Date of Hearing** : 4 June 2014

**Date of Ruling** : 4 June 2014

**JUDGMENT**

- [1] The appellant seeks leave to abandon his appeal against conviction and sentence. The appeal was filed after he was convicted on his own guilty plea to a charge of aggravated robbery and sentenced to 4½ years' imprisonment in the High Court at Lautoka.
- [2] Rule 39 of the Court of Appeal Rules provides that an appellant may abandon his appeal by giving a written notice to the Registrar. Upon receipt of such notice the appeal shall be

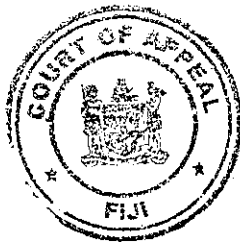
deemed to have been dismissed by the Court of Appeal. When the appellant is unrepresented the Court must exercise care to ensure that the decision to abandon is:


- (i) Deliberate, intentional and without mistake; and
- (ii) Informed and competent (*Jone Masirewa v State (unreported Criminal Appeal CAV14 of 2008, 17 August 2010)*).

[3] In this case, the appellant has filed a written notice of abandonment. He informed the Court that the decision to abandon his appeal is made freely and voluntarily, and without mistake.


[4] He told the Court that he understands that his decision to abandon the appeal will lead to the dismissal of the appeal.

[5] As a result, we grant the appellant leave to abandon his appeal. The appeal is dismissed.



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

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