

IN THE COURT OF APPEAL, FIJI
ON APPEAL FROM THE HIGH COURT OF FIJI

CRIMINAL APPEAL AAU 162 OF 2015
(High Court HAC 16 of 2012 at Lautoka)

BETWEEN : **SEREMAIA VEREMALUA**
Appellant

AND : **THE STATE**
Respondent

Coram : **Calanchini P**
Prematilaka JA

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

Date of Hearing : **20 November 2017**

Date of Ruling : **14 December 2017**

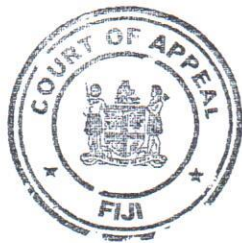
RULING

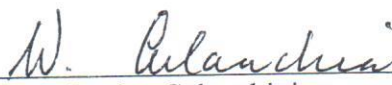
[1] The Appellant was convicted on his plea of guilty by the High Court at Lautoka on one count of rape. On 19 May 2015 he was sentenced to a term of imprisonment of 10 years with a non parole term of 9 years.

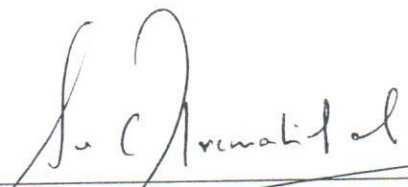
- [2] The Appellant subsequently filed a notice of appeal against sentence that was out of time by about 5 months. On 26 April 2017 the Appellant filed an application to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the 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 appellant confirmed that his decision to abandon the appeal was made voluntarily. He confirmed that he had received legal advice and that he understood the consequences in the event that his application was granted.
- [4] Under the circumstances the application to abandon the appeal against sentence is granted and the appeal is dismissed.

Orders:

Appeal against sentence is dismissed.




Hon Mr Justice Calanchini
PRESIDENT, COURT OF APPEAL


Hon Mr Justice Prematilaka
JUSTICE OF APPEAL