

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

**CRIMINAL APPEAL AAU 97 OF 2015**  
(High Court HAA 40 of 2013)  
(Magistrates Court No: 443 of 2010 at Suva)

**BETWEEN** : **FILIPE BABA**

*Appellant*

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

*Respondent*

**Coram** : **Calanchini P**  
**Lecamwasam JA**

**Counsel** : **Appellant in person**  
**Mr M Vosawale for the Respondent**

**Date of Hearing** : **16 November 2017**

**Date of Ruling** : **14 December 2017**

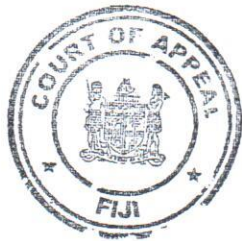
**RULING**

- [1] The Appellant was convicted on 6 June 2014 on one count of rape by the Magistrates Court at Suva. On the same day he was sentenced to a term of imprisonment of 9 years with a non-parole term of 8 years. The Appellant then filed a timely appeal against conviction and sentence in the High Court. That appeal was dismissed.

- [2] The Appellant subsequently filed in this Court a timely Section 22 notice of appeal against conviction and sentence. On 7 April 2017 the Appellant filed an application to abandon his appeal against conviction and 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 conviction and sentence is granted and the appeal is dismissed.

Orders:

*Appeal against conviction and sentence is dismissed.*



*W. Calanchini*

Hon Mr Justice Calanchini  
**President, Court of Appeal**

*J. Lecamwasam*

Hon Mr Justice Lecamwasam  
**Justice of Appeal**