

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

CRIMINAL APPEAL NO. AAU 112 OF 2015  
(Magistrates Court 510 of 2014 Nasinu)

BETWEEN : SENITIKI TUILOVONI

Appellant

AND : THE STATE

Respondent

Coram : Calanchini P  
Basnayake JA  
A. Fernando JA

Counsel : Appellant in person  
Mr M Korovou for the Respondent

Date of Hearing : 11 May 2017

Date of Ruling : 22 June 2017

RULING


[1] The Appellant, along with two other co-accused, was convicted on his plea of guilty in the Magistrates Court at Nasinu exercising extended jurisdiction of the High Court on one count of aggravated robbery. On 11 August 2015 he was sentenced by the Magistrate to a term of imprisonment of 5 years and 11 months.


- [2] The Appellant subsequently filed a notice of appeal against sentence that was out of time by only a few days. On 3 March 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 his appeal was made voluntarily.
- [4] The file indicated that some time prior to the hearing the Appellant had received legal advice from the Legal Aid Commission. The Appellant confirmed that he understood the consequences in the event that his application were granted.
- [5] Under the circumstances the application to abandon the appeal against sentence is granted and the appeal is dismissed.

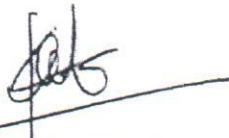
Order:

*Appeal against sentence is dismissed.*



  
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**Hon. Mr. Justice W D Calanchini**  
**PRESIDENT, COURT OF APPEAL**

  
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**Hon. Mr. Justice Basnayake**  
**JUSTICE OF APPEAL**

  
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**Hon. Mr. Justice A. Fernando**  
**JUSTICE OF APPEAL**