

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

CRIMINAL APPEAL AAU 99 OF 2017  
(High Court HAC 174 of 2013 at Lautoka)

BETWEEN : PAULA SOLI *Appellant*

AND : THE STATE *Respondent*

Coram : Calanchini P  
Chandra JA

Counsel : Appellant in person  
Mr R Kumar for the Respondent

Date of Hearing : 27 September 2018

Date of Ruling : 29 October 2018

RULING

Calanchini P

[1] Following a trial in the High Court the appellant was convicted on one count of attempted rape. On 31 March 2017 the appellant was sentenced to 3 years 7 months imprisonment with a non-parole term of 2 years 6 months.

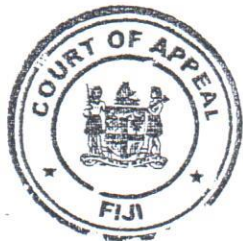
- [2] The Appellant subsequently filed a notice of appeal against conviction that was out of time by about 1 month. On 20 June 2018 the Appellant filed an application to abandon his appeal against conviction pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the 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 although he had not received legal advice and that he understood the consequences in the event that his application were granted.
- [4] Under the circumstances the application to abandon the appeal against conviction is granted and the appeal is dismissed.

**Chandra JA**

- [5] I agree.

Order:

*Appeal against conviction is dismissed.*



*W. Calanchini*

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

*S Chandra*

Hon Mr Justice S Chandra  
JUSTICE OF APPEAL