

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

**CRIMINAL APPEAL AAU 5 OF 2014**  
**(High Court HAC 69 of 2013)**

**BETWEEN** : **VILIAME QATIVI**  
*Appellant*

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

**Coram** : **Calanchini P**  
**Chandra JA**

**Counsel** : **No appearance for the Appellant**  
**Mr S Vodokisolomone for the Respondent**

**Date of Hearing** : **22 February 2018**

**Date of Ruling** : **29 March 2018**

**RULING**

**Calanchini P**

[1] The Appellant was convicted on 2 counts of aggravated burglary and on 2 counts of theft after a trial in the High Court at Suva. He was sentenced to 3 years 8 months imprisonment with a non-parole term of 3 years.

- [2] The Appellant subsequently filed a notice of appeal against conviction. On 6 December 2017 the Appellant delivered a hand written letter indicating his intention 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. When the matter was called for hearing there was no appearance by or on behalf of the Appellant. His letter had stated that he had been released on 6 December 2017 and that he was proceeding directly to Nadi. No forwarding address was provided for the service of notices.
- [4] Under the circumstances the application to abandon the appeal against conviction is granted and his appeal is dismissed.

**Chandra JA**

- [5] I agree.

Orders:

*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**