

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

CRIMINAL APPEAL NO. AAU 106 OF 2015
(Magistrates Court No: 1498 of 2009 at Suva)

BETWEEN : **ISEI KORODRAU**
Appellant

AND : **THE STATE**
Respondent

Coram : Calanchini P
Chandra JA

Counsel : Mr T Lee for the Appellant
Ms S Tivao for the Respondent

Date of Hearing : 20 May 2019

Date of Ruling : 27 June 2019

RULING

Calanchini P

[1] The appellant along with three others was convicted on 2 counts of robbery with violence under section 293(1)(b) of the now repealed Penal Code. On 21 September 2015 he was sentenced to a term of imprisonment for 5 years on each count to be served concurrently and also to be served concurrently with an existing sentence with a non-parole term of 4

years. The earlier sentence imposed by the High Court was for a term of imprisonment for 16 years.

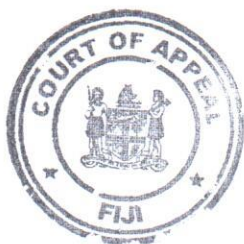
- [2] The Appellant subsequently filed a timely notice of appeal against conviction. On 19 March 2019 the Appellant filed an application to abandon his appeal against conviction pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the Supreme Court in **Masirewa -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 he had received legal advice and that he understood the consequences in the event that his application were granted. He informed the Court that he had been advised of his anticipated discharge date.
- [4] Under the circumstances the application to abandon the appeal against conviction should be granted and the appeal 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