

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

**CRIMINAL APPEAL NO. AAU 130 OF 2016**  
(Magistrates Court No: 282 of 2016 at Nausori)

**BETWEEN** : **NEUMI RATU** *Appellant*

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

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

**Counsel** : **Mr M Fesaitu for the Appellant**  
**Mr S Shah for the Respondent**

**Date of Hearing** : **23 May 2019**

**Date of Ruling** : **27 June 2019**

**RULING**

**Calanchini P**

[1] The appellant was convicted on his plea of guilty by the Magistrates Court at Nausori exercising extended jurisdiction on one count of aggravated robbery. On 15 June 2016 he was sentenced to a term of imprisonment for 7 years 10 months with a non-parole term of 6 years.

- [2] The Appellant subsequently filed a timely notice of appeal against sentence. On 25 January 2019 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 the appeal was made voluntarily. Although he had not received legal advice he confirmed that he understood the consequences in the event that his application were granted.
- [4] Under the circumstances the application to abandon the appeal against sentence should be granted and the appeal dismissed.

**Chandra JA**

- [5] I agree.

Order:

*Appeal against sentence is dismissed.*



*W. Calanchini*

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

*S. Chandra*

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Hon Mr Justice S Chandra  
**JUSTICE OF APPEAL**