

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

CRIMINAL APPEAL NO. AAU 94 OF 2015

AAU 100 OF 2015

(Magistrates Court No: 111 of 2014 at Nasinu)

BETWEEN : **ANASA RARASEA**
NIKO BOLAVAGONE

Appellants

AND : **THE STATE**

Respondent

Coram : **Calanchini P**
Chandra JA

Counsel : **Mr M Fesaitu for the Appellants**
Ms W Elo for the Respondent

Date of Hearing : **2 October 2019**

Date of Ruling : **25 October 2019**

RULING

Calanchini P

[1] The appellant Rarasea was convicted on his plea of guilty on one count of aggravated robbery and one count of unlicensed driving. The appellant Bolavagone was convicted on his plea of guilty on one count of aggravated robbery by the Magistrates Court at

Nasinu exercising extended jurisdiction. On 8 July 2015 the appellant Rarasea was sentenced to 7 years 6 months imprisonment and \$100 fine. The appellant Bolavagone was sentenced to 7 years 10½ months imprisonment.

- [2] The Appellants subsequently filed timely separate notices of appeal against conviction and sentence. On 11 July 2019 the Appellants filed applications to abandon their appeals against conviction and 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 applications to abandon the appeals were listed for hearing before the Court of Appeal. At the hearing the appellants each confirmed that their decisions to abandon the appeals were made voluntarily. They confirmed that they had received legal advice and that they understood the consequences in the event that their applications were granted.
- [4] Under the circumstances the applications to abandon the appeals against conviction and sentence are granted and the appeals are dismissed.

Chandra JA

- [5] I agree.

Order:

Appeals against conviction and sentence are dismissed.



W. Calanchini

Hon Mr Justice W D Calanchini
PRESIDENT, COURT OF APPEAL

S Chandra

Hon Mr Justice S Chandra
JUSTICE OF APPEAL