

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

**CRIMINAL APPEAL NO. AAU 69 OF 2018**  
(Magistrates Court No: 663 of 2013 at Nausori)

**BETWEEN** : **KALAVETI VALEVOU** *Appellant*

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

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

**Counsel** : **Appellant in person**  
**Mr M Vosawale for the Respondent**

**Date of Hearing** : **20 November 2019**

**Date of Ruling** : **11 December 2019**

**RULING**

**Calanchini P**

[1] Following a trial in the Magistrates Court at Nausori exercising extended jurisdiction the appellant was convicted on one count of an act intended to cause grievous harm. On 12 February 2018 the appellant was sentenced to 27 months imprisonment with a non-parole term of 20 months.

- [2] The Appellant subsequently filed a notice of appeal against conviction and sentence that was out of time by 4 months. On 25 June 2019 the Appellant filed an application to abandon his appeal 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 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 advised that he had not received legal advice but that he understood the consequences in the event that his application were granted. He confirmed a second time that he did not want any further time to obtain legal advice.
- [4] Under the circumstances the application to abandon the appeal against conviction and sentence is granted and the appeal is dismissed.


**Chandra JA**


- [5] I agree.

Order:

*Appeal against conviction and sentence is dismissed.*



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

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