

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

CRIMINAL APPEAL NO. AAU 116 OF 2018
(High Court HAA 23 of 2017)

BETWEEN : **JOHN ONO LUM ON**

Appellant

AND : **THE STATE**

Respondent

Coram : **Calanchini P**
Chandra JA

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

Date of Hearing : **2 October 2019**

Date of Ruling : **25 October 2019**

RULING

Calanchini P

- [1] Following a trial in the Magistrates Court at Navua the appellant was convicted on one count of robbery with violence. On 16 February 2017 he was sentenced to 5 years

imprisonment with a non-parole term of 2 years. He then filed in the High Court an appeal against conviction and sentence. The appeal was dismissed on 22 October 2018.

- [2] The Appellant subsequently filed a timely notice of appeal against conviction pursuant to section 22 of the Court of Appeal Act. On 26 June 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 stated that he did not require further legal advice and that he understood the consequences in the event that his application were granted.
- [4] Under the circumstances the application to abandon the appeal against conviction is granted and the appeal is dismissed.

Chandra JA

- [5] I agree.

Order:

Appeal against conviction is dismissed.



Hon Mr Justice W D Calanchini
PRESIDENT, COURT OF APPEAL

Hon Mr Justice S Chandra
JUSTICE OF APPEAL