

SUPREME COURT OF QUEENSLAND

CITATION: *R v B* [2003] QCA 466

PARTIES: **R**
v
B
(applicant)

FILE NO/S: CA No 223 of 2003
DC No 45 of 2003

DIVISION: Court of Appeal

PROCEEDING: Application for Extension (Conviction)

ORIGINATING COURT: District Court at Bundaberg

DELIVERED EX TEMPORE ON: 29 October 2003

DELIVERED AT: Brisbane

HEARING DATE: 29 October 2003

JUDGES: McMurdo P, Williams JA and Mackenzie J
Separate reasons for judgment of each member of the Court, each concurring as to the order made

ORDER: **Application for extension of time within which to appeal against conviction granted and extend time until today**

CATCHWORDS: CRIMINAL LAW – OTHER OFFENCES – SEXUAL OFFENCES – where applicant convicted of maintaining a relationship with a child

APPEAL AND NEW TRIAL – PRACTICE AND PROCEDURE – QUEENSLAND – TIME FOR APPEAL – EXTENSION OF TIME – OTHER MATTERS – where applicant seeks extension of time within which to appeal against conviction – where reasonable or satisfactory explanation for delay – leave granted

COUNSEL: The applicant appeared on his own behalf
L J Clare for the respondent

SOLICITORS: The applicant appeared on his own behalf
Director of Public Prosecutions (Queensland) for the respondent

THE PRESIDENT: This is an application for an extension of time within which to appeal against conviction.

The applicant has explained that the reason for his delay in lodging his appeal was because his legal representatives sent the necessary forms to the wrong prison. Once that confusion was sorted out and the applicant received the correct forms he lodged his appeal, which was by then a couple of weeks late. The delay is not extensive.

His convictions relate to the serious offence of maintaining a sexual relationship with his young daughter for which he was sentenced to 11 years' imprisonment.

The matter is an extremely serious one. The grounds of appeal sought to be raised do not appear obviously unmeritorious. It is impossible to properly determine the merits of the appeal without a full appeal record book and, hopefully, considered submissions.

In the circumstances the extension of time within which to appeal should be given for that to be done.

I would allow the extension of time within which to appeal and extend time until today.

WILLIAMS JA: I agree.

MACKENZIE J: I agree.

THE PRESIDENT: That is the order of the Court.

Yes, thank you, Mr B. You understand you have succeeded in getting your application for an extension of time? Thank you. You should make sure that-----

APPLICANT: Thank you, your Honours.

THE PRESIDENT: You should make sure now you apply for Legal Aid so that the appeal can be prepared.

APPLICANT: Yes, I shall. Thank you very much.

THE PRESIDENT: Thank you. Yes, you can hang up now.

