

# SUPREME COURT OF QUEENSLAND

CITATION: *R v Cornwell* [2003] QCA 491

PARTIES: **R**  
**v**  
**CORNWELL, Patricia Anne**  
(applicant)

FILE NO/S: CA No 269 of 2003  
DC No 173 of 2003

DIVISION: Court of Appeal

PROCEEDING: Application for Extension (Sentence)

ORIGINATING COURT: District Court at Maroochydore

DELIVERED EX TEMPORE ON: 7 November 2003

DELIVERED AT: Brisbane

HEARING DATE: 7 November 2003

JUDGES: McPherson JA, Chesterman and Mullins JJ  
Separate reasons for judgment of each member of the Court, each concurring as to the orders made

ORDER: **Application dismissed**

CATCHWORDS: CRIMINAL LAW – JURISDICTION, PRACTICE & PROCEDURE – JUDGMENT & PUNISHMENT – OTHER MATTERS – QUEENSLAND – pleaded guilty to armed robbery and one attempt – whether adequate explanation for failing to file sentence application in time – whether prospects of success on appeal warrant extension of time

COUNSEL: Applicant appeared on her own behalf  
M J Copley for the respondent

SOLICITORS: Applicant appeared on her own behalf  
Director of Public Prosecutions (Queensland) for the respondent

McPHERSON JA: Yes, Miss Cornwell, that statement by Mr Copley on behalf of the prosecution - or the Crown - seems to me to be accurate. The likely range of sentence in this case was three to five years. You got three and a half and you did two armed robberies, or attempts in the second one. And you have

not really got a prospect of getting the sentence reduced on appeal. In those circumstances, we ordinarily would not give you an extension of time within which to appeal but if you have anything else to tell us, let us know now.

10

PRISONER: My mind's gone blank, your Honour, I'm sorry.

McPHERSON JA: Yes well I am sure it is very stressful. But to be quite frank, I do not think you have got a prospect of getting the sentence reduced. I would recommend that you try it as hard as you can to carry out what you are required to do in prison. No doubt get the benefit of parole at some time.

20

Having heard the applicant and counsel for the respondent in this matter, I am not satisfied that the sentence imposed in this case is pitched at such a level that a Court of Appeal, confronted by an application for leave to appeal against sentence, would interfere with it at all. I am satisfied that it is not an instance of an excessive penalty being imposed, but rather one that follows the ordinary course in cases of this kind, regrettable as they are.

30

40

In the circumstances, I would refuse the application to extend the time within which to apply for leave to appeal against sentence.

50

CHESTERMAN J: I agree.

MULLINS J: I agree.

McPHERSON JA: That is the order of the Court.

-----

10

20

30

40

50