

SUPREME COURT OF QUEENSLAND

CITATION: *R v Sheppard* [2004] QCA 252

PARTIES: **R**
v
SHEPPARD, Christopher James
(applicant)

FILE NO/S: CA No 95 of 2004
DC No 241 of 2004
DC No 486 of 2004

DIVISION: Court of Appeal

PROCEEDING: Application for Extension (Conviction)

ORIGINATING COURT: District Court at Brisbane

DELIVERED EX TEMPORE ON: 26 July 2004

DELIVERED AT: Brisbane

HEARING DATE: 26 July 2004

JUDGES: McPherson and Williams JJA and Mackenzie J
Separate reasons for judgment of each member of the Court, each concurring as to the orders made

ORDERS: **1. Application for extension of time granted**
2. Extend time for filing the notice of appeal against conviction to 13 April 2004

CATCHWORDS: CRIMINAL LAW – APPEAL AND NEW TRIAL AND INQUIRY AFTER CONVICTION – APPEAL AND NEW TRIAL – PRACTICE: AFTER CRIMINAL APPEAL LEGISLATION – MISCELLANEOUS MATTERS – QUEENSLAND – PROCEDURE – EXTENSION OF TIME, NOTICE OF APPEAL AND ABANDONMENT – where applicant convicted of armed robbery – where sentenced on different day – where solicitors overlooked the fact that time for appealing conviction ran from the earlier date – whether extension of time within which to file notice of appeal against conviction should be granted

COUNSEL: A Enriken for the applicant
R G Martin for the respondent

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

WILLIAMS JA: In this matter, the applicant was convicted of armed robbery after a trial on 5 March 2004 but he was not sentenced until 12 March 2004. His instructions at all times were that he wished to appeal against conviction.

Unfortunately, his solicitors overlooked the fact that the time for appealing it with respect to the conviction ran from 5 March and not 12 March.

Notices of appeal against conviction and application for leave to appeal against sentence were filed on 13 April 2004. The applicant seeks an extension of time to validate the notice of appeal against the conviction and the Crown consents to such an order being made.

In the circumstances, there should be an order extending time for filing the notice of appeal against conviction to 13 April 2004.

McPHERSON JA: Yes, I agree with those orders.

MACKENZIE J: I agree.

McPHERSON JA: And the orders will be as they have been stated by Justice Williams.
