

SUPREME COURT OF QUEENSLAND

CITATION: *R v Dennis* [2005] QCA 63

PARTIES: **R**
v
DENNIS, Shaun Danny
(applicant)

FILE NO/S: CA No 404 of 2004
SC No 5 of 2004

DIVISION: Court of Appeal

PROCEEDING: Application for Extension (Sentence & Conviction)

ORIGINATING COURT: Supreme Court at Cairns

DELIVERED EX TEMPORE ON: 14 March 2005

DELIVERED AT: Cairns

HEARING DATE: 14 March 2005

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

ORDER: **Application for extension of time granted**

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 application for leave to appeal against conviction seven months out of time – where Crown concede that although no merits in grounds of appeal they cannot be fully answered without a complete record – whether extension of time should be granted

COUNSEL: The applicant appeared on his own behalf
R G Martin SC for the respondent

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

THE PRESIDENT: This application for an extension of time for leave to appeal against the applicant's conviction for murder is seven months out of time. He claims he was not told of the time limit by his trial lawyers. The grounds he seeks to argue are:

- (1) Failure to adequately direct on provocation
- (2) Allegedly false assertions by the Prosecutor
- (3) Incompetence of counsel
- (4) Failure by the trial judge to correct alleged misstatements by the Prosecutor.
- (5) Misconduct by the police, and
- (6) Tendering an audiotape of confession when the video tape would have helped the applicant.

Counsel for the respondent, Mr Martin SC, very properly concedes that although he does not agree that there is any merit in any of the grounds of appeal sought to be argued, these grounds cannot be fully answered without a complete record and in those circumstances, does not resist the application.

It is therefore appropriate that this Court grants the application for an extension of time.

...

THE PRESIDENT: That is the order of the Court.
