

**COURT OF APPEAL**

**HOLMES JA  
CHESTERMAN JA  
WHITE JA**

**CA No 213 of 2010  
DC No 118 of 2010**

**THE QUEEN**

**v**

**SAID AHMAD HAMADE**

**Applicant**

**BRISBANE**

**DATE 22/11/2010**

**JUDGMENT**

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**HOLMES JA:** The applicant for an extension of time for leave to appeal was convicted of one count of maintaining, one of indecent dealing, one of rape and one of unlawful carnal knowledge on 23 April 2010. On 25 June 2010, he was sentenced to nine years imprisonment.

His application for an extension of time was filed with a Notice of Appeal on 17 September 2010. His explanation for the delay is, he says, that he was told by his then counsel, who was from a different jurisdiction, that it was not necessary for him to appeal against conviction until he was sentenced and that thereafter his solicitors refused to lodge the appeal until his fees were paid.

It is difficult to assess the merits of the appeal. The ground at present is simply that the conviction was unsafe. It was an eight day trial and there is no transcript. The Crown does not oppose the application.

Given that the delay was relatively short and is largely accounted for, I would extend the time for filing of the notice of appeal to 17 September 2010 when notice was filed.

**CHESTERMAN JA:** I agree.

**WHITE JA:** I agree too.

**HOLMES JA:** That is the order. Time is extended accordingly.