

COURT OF APPEAL

**McMURDO P
WHITE JA
MARGARET WILSON AJA**

**Appeal No 11983 of 2010
SC No 9323 of 2005**

ATTORNEY-GENERAL FOR THE STATE OF QUEENSLAND Respondent

v

RAYMOND YEO Applicant

BRISBANE

DATE 24/03/2011

ORDER

MR J ROLLS, instructed by M Maloney, Crown Solicitor, for the respondent
APPLICANT appeared on his own behalf

THE PRESIDENT: This is an application for an extension of time to appeal against the order of a Judge of the Trial Division, having been satisfied to the requisite standard that the appellant, Raymond Yeo, is a serious danger to the community in the absence of an order under division 3 of the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld) that:

- (1) The decision made on 4 August 2009 that the appellant is a serious danger to the community in the absence of an order under division 3 of the Act be affirmed; and
- (2) The appellant continue to be subject to the continuing detention order made on 4 August 2009.

That order was made on 10 September 2010. The applicant sought to file his appeal from that order on about 22 October 2010, approximately three weeks out of time.

He has signed a statement which he has presented to this Court in which he sets out the following matters. He is currently a prisoner at the Wolston Correctional Centre detained under the Act. He attempted to file a notice of appeal in the Registry within the appeal period on about 6 October 2010. The documentation was returned to him as it was incomplete. He amended the documents but was unable to find a Justice of the Peace available and by the time he returned the documents to the Court of Appeal Registry his appeal was out of time.

He asks for an extension of time to appeal and for an adjournment of the matter so that he can seek legal assistance. He seems to doubt whether he will be eligible for Legal Aid but he has some prospects of receiving pro bono legal assistance.

Mr Rolls for the respondent fairly concedes that the applicant has given an explanation for the delay in filing the appeal within time and that the respondent would not be prejudiced by any extension of time. He submits, however, that the application should be refused because any appeal has no prospects of success as it would be from a discretionary exercise.

Without expressing any views as to the likely result of the appeal in this case, it is my view that the application should be granted. The applicant has been detained under extraordinary legislation, having completed serving his sentence of imprisonment in 2006. There are certainly some matters that are at least arguable, and the interests of justice require that the applicant should be given the opportunity to seek to obtain legal advice so that his arguments can be put at their highest to this Court.

I would therefore grant the application for an extension of time to appeal and extend time for the filing of a notice of appeal to 2 November 2010.

WHITE JA: I agree.

MARGARET WILSON A/JA: I agree.

THE PRESIDENT: The orders are: the application for extension of time to appeal is granted and time is extended for the filing of the notice of appeal to 2 November 2010. A transcript is to be provided of today's hearing and provided to Legal Aid Queensland.