

SUPREME COURT OF QUEENSLAND

CITATION: *R v Bound* [2012] QCA 25

PARTIES: **R**
v
BOUND, Raymond John
(applicant)

FILE NO/S: CA No 331 of 2011
SC No 234 of 2009

DIVISION: Court of Appeal

PROCEEDING: Application for Extension (Conviction)

ORIGINATING COURT: Supreme Court at Brisbane

DELIVERED EX TEMPORE ON: 24 February 2012

DELIVERED AT: Brisbane

HEARING DATE: 24 February 2012

JUDGES: Muir and Fraser and Chesterman JJA
Separate reasons for judgment of each member of the Court,
each concurring as to the orders made

ORDERS: **Application dismissed**

CATCHWORDS: APPEAL AND NEW TRIAL – PRACTICE AND PROCEDURE – TIME FOR APPEAL – EXTENSION OF TIME – WHEN REFUSED – where the applicant was convicted of murder – where the applicant appealed that conviction and the appeal was dismissed by this Court – where the applicant then filed a notice of application for extension of time within which to appeal against his conviction – whether the applicant’s right of appeal has been exhausted – whether this Court has jurisdiction to hear the further appeal from the applicant

Criminal Code 1899 (Qld), s 668D

R v Nudd [\[2007\] QCA 40](#), cited

COUNSEL: The applicant appeared on his own behalf
G P Cash for the respondent

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

- [1] **MUIR JA:** The applicant was convicted on 21 December 2009 of the offence of murder and sentenced to life imprisonment. His appeal against his conviction was dismissed by this Court on 15 March 2011.
- [2] On 29 November 2011 the applicant filed a notice of application for extension of time within which to appeal again against his conviction. As was pointed out in *R v Nudd* [2007] QCA 40, it is well-established by authority that the right of appeal to this Court created by s 668D of the *Criminal Code* 1899 is exhausted once this Court has decided an appeal on its merits. This Court then has no jurisdiction to entertain a further appeal. Consequently, the granting of any extension of time within which to appeal would be futile. I would therefore dismiss the application for an extension of time.
- [3] **FRASER JA:** I agree.
- [4] **CHESTERMAN JA:** I agree.
- [5] **MUIR JA:** The order of this Court is that the application for an extension of time be dismissed.