

COURT OF APPEAL

**MARGARET McMURDO P
WHITE JA
FRYBERG J**

**CA No 95 of 2012
DC No 562 of 2012
DC No 1778 of 2011**

THE QUEEN

v

HENRIKSEN, Mark Christopher

Applicant

BRISBANE

DATE 22/08/2012

JUDGMENT

THE PRESIDENT: Would you call the applicant's name three times, please, at the doorway to the Court? Thank you.

ASSOCIATE: No appearance, your Honour.

THE PRESIDENT: Thank you. Would you announce your appearance, please, Ms Merrin?

MS MERRIN: May it please the Court, my name is Merrin, initials B J. I appear instructed by the Director of Public Prosecutions, and I appear on behalf of the respondent.

...

THE PRESIDENT: The applicant, Mark Henriksen, pleaded guilty in the District Court at Brisbane on 16 April 2012 to accessory after the fact to armed robbery in company with violence on 18 October 2010. He was sentenced on 20 April 2012 to 18 months imprisonment, wholly suspended for four years. He has applied for leave to appeal against his sentence on the basis that it is manifestly excessive. He is not presently legally

represented, has not lodged any outline of argument, and has not appeared today at the hearing of the application. The material before the sentencing judge stated that he had intellectual deficits.

His application stated as his address for service "4 Wilbur Street, Logan Central, Qld 4114". The application was filed on his behalf by Lacy and Peters Lawyers of Woolloongabba. The application states: "If you change your address, or place of custody, or your legal representatives, you must notify the registrar in writing."

The Registrar's staff made attempts to inform the applicant of today's hearing date and of his obligations in preparing for it by a letter sent to his address for service. That mail has been returned unopened. Registry staff also contacted his previous solicitors who have advised that he sometimes had no fixed address. They did not know his whereabouts. Registry staff were supplied with a mobile phone number which they have telephoned and to which they have also sent text messages, but they have been unable to make any contact with the applicant. His previous solicitors also stated that he was sometimes involved with the Brisbane Youth Service. Registry staff have also contacted that Service in an effort to communicate with the applicant, but to no avail.

An affidavit sworn by Melissa Nicole Crisp was filed by leave by the respondent. It sets out the efforts made by the respondent to make contact with the applicant but these efforts were also to no avail.

The applicant has not progressed his application or kept in contact with the Registry. The only appropriate order in these circumstances is to refuse the application.

The application for leave to appeal against sentence is refused.

WHITE JA: I agree with the observations of the presiding Judge and the order she proposes.

FRYBERG J: I agree.

THE PRESIDENT: The order is the application for leave to appeal against sentence is refused.