

COURT OF APPEAL

**MARGARET McMURDO P
PHILIPPIDES JA
PETER LYONS J**

**CA No 250 of 2015
DC No 92 of 2014**

THE QUEEN

v

GRANTHAM, Clinton Roy

Appellant

BRISBANE

MONDAY, 13 JUNE 2016

JUDGMENT

THE PRESIDENT: The appeal in this matter was filed on the 16th of October 2015 against a conviction of indecent treatment of a child under 16. The appeal contended that the conviction was unreasonable and inconsistent with the verdicts of acquittal.

The conviction was on the 17th of September 2015. The matter was listed for hearing on the 9th of February 2016. The matter was – on that day, at the request of the appellant was adjourned to a date to be fixed to enable him to get legal representation, and the Court directed that he file his outline of argument by 4 pm on the 1st of March 2016. The matter was listed for mention on the 24th of March 2016 because he had not complied with the order that he file his outline of argument. On that occasion, the Court ordered that the matter be mentioned the

following Wednesday 30th of March 2016 to show cause why it should not be struck out for want of prosecution.

The appellant did not turn up on the 30th of March 2016, and the Court ordered that the appeal was dismissed for want of prosecution. Some time later on that day, the appellant turned up at the registry saying that his bus from Toowoomba was late, and for that reason the matter was listed again for mention the following day. The orders made on the 30th of March were vacated, and the matter was listed for hearing on the 19th – the matter remained listed for hearing on the 19th of April 2016. On that day, the appellant appeared, again, self-represented. He still had no outline of argument. He contended that a computer virus had deleted his submissions and at his request the appeal was once more delisted.

On the 20th of April it was relisted on the 13th of June; that is, today; and the appellant was advised of that by letter emailed to him and which he received and it was also sent by registered post to his address for service. His outline of argument was due on the 16th of May 2016. He has not filed any outline of argument. The registry, since the 17th of May, has made many attempts to communicate with the appellant but has had no response whatsoever, either by telephone, email or through his address for service.

So the position is that he had been given every indulgence by the Court to prepare his matter for hearing or to progress the matter or even – it was even open to him, of course, today, to simply come along and make oral submissions, but he has chosen not to do so. In the circumstances, the only appropriate order is that the appeal be dismissed for want of prosecution, and that is the - - -

PHILIPPIDES JA: I agree.

PETER LYONS J: I agree.

THE PRESIDENT: And that is the order of the Court. The appeal is dismissed for want of prosecution. A transcript is to be made of the hearing today and placed on the file. Adjourn the Court.