

SUPREME COURT OF QUEENSLAND

CITATION: *R v Reeves* [2003] QCA 222

PARTIES: **R**
v
REEVES, Logan Bruce
(applicant)

FILE NO/S: CA No 14 of 2003
CA No 276 of 2000
SC No 382 of 2000

DIVISION: Court of Appeal

PROCEEDING: Application for Extension (Conviction)

ORIGINATING COURT: Supreme Court at Townsville

DELIVERED EX TEMPORE ON: 2 June 2003

DELIVERED AT: Brisbane

HEARING DATE: 2 June 2003

JUDGES: McMurdo P, Davies JA and Atkinson J
Separate reasons for judgment of each member of the Court,
each concurring as to the order made

ORDER: **Application for extension of time within which to appeal
against conviction dismissed**

CATCHWORDS: APPEAL AND NEW TRIAL - APPEAL - PRACTICE AND
PROCEDURE - QUEENSLAND - TIME FOR APPEAL -
EXTENSION OF TIME - WHEN REFUSED - where
applicant convicted of attempted murder - where application
for leave to appeal made outside limitation period - where
application made after previous dismissal of appeal against
conviction - whether court has jurisdiction to hear a second
appeal
R v Alexanderson, MacQueen, Barlow and Farr [2001] QCA
400; CA Nos 155, 156, 196 and 197 of 2001, applied
R v Pettigrew [1997] 1 QdR 601, distinguished

COUNSEL: Applicant appeared on his own behalf via telephone link
P F Rutledge for respondent

SOLICITORS: Applicant appeared on his own behalf via telephone link
Director of Public Prosecutions (Queensland) for respondent

DAVIES J: This is an application for an extension of time within which to appeal against a conviction of attempted murder on 28 September 2000. The application was filed on 24 January 2003.

The applicant's explanation for the delay is that, in his own words, it has taken him two years to put this matter together. I would, myself, doubt whether that is a satisfactory explanation for the delay. But it is unnecessary, in my view, to decide that question.

More importantly, the application is one made after the dismissal of an appeal against his conviction. The applicant previously appealed against the conviction and that appeal was dismissed on its merits by this Court on 13 March 2001.

The substance of the matters, which the applicant would now wish to raise by way of appeal, were covered by the grounds of appeal against his original conviction. But on the hearing of the appeal against his conviction, his counsel did not pursue those grounds. He pursued only one ground of appeal and did not pursue the two grounds which form the substance of the applicant's application today.

This Court has held now on many occasions that where an appeal against conviction has been dismissed on its merits, this Court has no jurisdiction to hear a further appeal. It is sufficient to refer only to one case, *R v Alexanderson*,

MacQueen, Barlow and Farr, [2001] QCA 400, CA Nos 155, 156, 196 and 197 of 2001, which sets out the principles and the cases which preceded it. That case has been followed in turn in this Court on many occasions since.

This is not one of those limited cases which would come within the principles stated by this Court in *R v Pettigrew* [1997] 1 QdR 601. It is self-evident that it does not.

It follows, in my opinion, that the application must be dismissed.

THE PRESIDENT: I agree.

ATKINSON J: The applicant has said that in this case he seeks his application for extension of time to appeal be dismissed, and rather applies for a reopening of his appeal. This is a distinction without any substance. Essentially what he is asking is for a second chance to appeal, and for the reasons given by Justice Davies this is not an appropriate case in which that should happen.

THE PRESIDENT: The order is the application is dismissed.