

# SUPREME COURT OF QUEENSLAND

CITATION: *R v Steensen* [2003] QCA 344

PARTIES: **R**  
**v**  
**STEENSEN, Michael Lenard**  
(applicant)

FILE NO/S: CA No 201 of 2003  
SC No 108 of 2003

DIVISION: Court of Appeal

PROCEEDING: Application for Extension (Sentence)

ORIGINATING COURT: Supreme Court at Mackay

DELIVERED EX TEMPORE ON: 7 August 2003

DELIVERED AT: Brisbane

HEARING DATE: 7 August 2003

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

ORDER: **Application granted**

CATCHWORDS: CRIMINAL LAW – JURISDICTION, PRACTICE AND PROCEDURE – QUEENSLAND – EXTENSION OF TIME, NOTICE OF APPEAL AND ABANDONMENT – where applicant convicted of unlawful wounding and grievous bodily harm – where applicant sentenced to 5 years imprisonment – where applicant requires extension of time within which to apply for leave to appeal against sentence – whether the issues raised by the applicant warrants further investigation

COUNSEL: The applicant appeared on his own behalf  
M J Copley for the respondent

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

THE PRESIDENT: This is an application for an extension of time within which to apply for leave to appeal against sentence.

Although the applicant has put no sworn material before the Court he has stated that after his sentence he had a mental breakdown because of his separation from his family and did not understand he only had one calendar month to lodge an application for leave to appeal. By the time he found out and made efforts to progress the matter he did not file this application until about six months late.

Whilst that explanation in its unsworn form is not entirely satisfactory, it does suggest that there may well have been grounds for the delay in this case. Significantly he has also raised some matters that need further investigation, namely as to whether the Judge was correct in all the circumstances in imposing a serious violent offence declaration and whether the sentence, bearing in mind the injuries actually received, was manifestly excessive in all the circumstances.

It is impossible to determine those matters without a proper record and in the circumstances I am satisfied that this is a matter in which an extension of time should be given. I would grant the application.

JERRARD JA: I agree.

MUIR J: I agree.

THE PRESIDENT: That is the order of the Court, thank you.

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THE PRESIDENT: I also direct that the record book contain all the transcript of the trial.

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