

SUPREME COURT OF QUEENSLAND

CITATION: *R v HAD* [2006] QCA 314

PARTIES: **R**
v
HAD
(applicant)

FILE NO/S: CA No 172 of 2006
DC No 131 of 2006

DIVISION: Court of Appeal

PROCEEDING: Application for Extension (Sentence and Conviction)

ORIGINATING COURT: District Court at Maroochydore

DELIVERED EX TEMPORE ON: 25 August 2006

DELIVERED AT: Brisbane

HEARING DATE: 25 August 2005

JUDGES: McMurdo P and Wilson and Atkinson JJ
Separate reasons for judgment of each member of the Court, each concurring as to the orders made

ORDER: **1. Extension of time for leave to appeal against sentence is allowed.**
2. Extension of time for leave to appeal against conviction is allowed.

CATCHWORDS: APPEAL AND NEW TRIAL – APPEAL – PRACTICE AND PROCEDURE – QUEENSLAND – TIME FOR APPEAL – EXTENSION OF TIME – WHEN GRANTED – where the applicant sought to appeal against two convictions on two counts of rape and also the sentence imposed for those offences – where the applicant does not seek to appeal against his convictions on a number of other offences or seek leave to appeal against the other sentences imposed – where there was a misunderstanding between the applicant and his solicitor about lodging an appeal – where the delay was not long and was not opposed by the respondent.

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

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

ATKINSON J: The appellant seeks leave to extend time in which to lodge an appeal against conviction and an application for leave to appeal against sentence.

The explanation for the delay appears to have been a misunderstanding between the applicant and his solicitor about lodging an appeal. The delay in filing the notice was not long and the respondent, the Director of Public Prosecutions, does not oppose an extension of time being granted.

The applicant seeks to appeal against two convictions on two counts of rape and also against the sentence of 13 years' imprisonment imposed for those offences. He asserts that the verdicts are unreasonable and the sentences are manifestly excessive.

He does not seek to appeal against his convictions on a number of other offences or seek leave to appeal against the other sentences imposed.

In the circumstances, I would allow the applicant an extension of time for leave to appeal against sentence, and allow him an extension time for leave to appeal against conviction.

THE PRESIDENT: I agree.

WILSON J: I agree.

THE PRESIDENT: The time for appealing against conviction and applying for leave to appeal against sentence is extended to 21 June 2006, which is the day after you put the material in.
