

# SUPREME COURT OF QUEENSLAND

CITATION: *R v Harrod (No 2)* [2011] QCA 303

PARTIES: **R**  
**v**  
**HARROD, Martin**  
(applicant)

FILE NO/S: CA No 242 of 2011  
SC No 66 of 1988

DIVISION: Court of Appeal

PROCEEDING: Application for Extension (Sentence)

ORIGINATING COURT: Supreme Court at Mackay

DELIVERED EX TEMPORE ON: 27 October 2011

DELIVERED AT: Brisbane

HEARING DATE: 27 October 2011

JUDGES: Chief Justice, Fraser JA and Margaret Wilson AJA  
Separate reasons for judgment of each member of the Court, each concurring as to the order made

ORDER: **Delivered ex tempore on 27 October 2011:**  
**The application for an extension of time is refused.**

CATCHWORDS: CRIMINAL LAW – APPEAL AND NEW TRIAL – PROCEDURE – NOTICES OF APPEAL – TIME FOR APPEAL AND EXTENSION THEREOF – where the applicant pleaded guilty to murder 23 years ago and was sentenced to life imprisonment – whether the Court has power to vary a sentence of life imprisonment on appeal  
*R v Harrod* [\[2011\] QCA 4](#), cited

COUNSEL: The applicant appeared on his own behalf  
R G Martin SC for the respondent

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

**FRASER JA:** On 31 August 2011 the applicant applied for an extension of time within which to apply for leave to appeal against his sentence of life imprisonment. That sentence

was imposed more than 23 years ago when the applicant pleaded guilty to the murder of Gretchen Smith.

On 8 February 2011 the Court refused the applicant's earlier application for an extension of time to appeal against conviction and for leave to appeal against sentence: see *R v Harrod* [2011] QCA 4. As the Court then explained, the life sentence imposed upon the applicant was the only sentence which the law permitted. The Court has no power on an appeal against sentence to vary a life sentence imposed for murder, whether by adding a provision for parole or otherwise.

The application for an extension of time should be refused.

**CHIEF JUSTICE:** I agree.

**MARGARET WILSON AJA:** I agree.

**CHIEF JUSTICE:** The application is refused.