

Rule 2.05(2)

**FORM 6-2B**

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE

THE QUEEN

v

DAMIAN HONEYSETT

No. 2017

**NOTICE OF APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE**

To the Registrar of Criminal Appeals:

I, **DAMIAN HONEYSETT** am convicted of armed robbery and theft. I am currently a prisoner at Barwon prison.

I WISH TO APPEAL to the Court of Appeal under section 278 of the *Criminal Procedure Act* 2009 against my sentence (particulars of which are set out below).

TAKE NOTICE that I apply to the Court of Appeal for leave to appeal against my sentence on the grounds:

Ground 1: The individual sentences, the total effective sentence, and the orders for cumulation are manifestly excessive, particularly in view of the following matters:

- a) The applicant's young age (24);
- b) The applicant's tragic personal history;
- c) The applicant's aboriginality;
- d) The applicant's exemplary involvement in the Koori Court process; and
- e) The applicant's evident remorse both through his early plea and his engagement with the Elders during the sentencing conversation.

Ground 2: The learned sentencing judge erred in ordering six months' cumulation charge 2 in all the circumstances.

Date: **24 August 2017**



.....  
[Signed by Appellant or legal practitioner on behalf of Appellant]

The name and address for service are as follows:

Stary Norton Halphen  
333 Queen Street  
MELBOURNE 3000  
Tel No: 8622 8200  
Fax: 9670 8923  
Email: hugom@starylaw.com

### **PARTICULARS**

1. Appellant's name: Damian Honeysett.
2. Offences for which sentenced and in relation to which it is sought to appeal: Armed robbery and theft.
3. Convicted at: County Court of Victoria at Melbourne.
4. Sentencing Judge: Judge Lawson.
5. Sentence: Total Effective sentence 5 years, non-parole period of 3 years.
6. Date of sentence: 28 July 2017
7. Name and address of legal practitioner who represented appellant at plea:  
Stary Norton Halphen  
333 Queen Street  
MELBOURNE 3000  
Tel No: 8622 8200  
Fax: 9670 8923  
Email: hugom@starylaw.com
8. Name of counsel (if any) who represented appellant at trial: **Ms Amelia Beech**

### **WRITTEN CASE MUST BE ATTACHED**

1. This application for leave to appeal must be accompanied by a written case in support of the application.
2. A written case must comply with the requirements of any applicable practice direction. Practice directions may be viewed at, and downloaded from, the website of the Supreme Court of Victoria at [www.supremecourt.vic.gov.au](http://www.supremecourt.vic.gov.au).

## ORAL HEARING OPTION

I do not wish to have an oral hearing of my application.

I will be represented at the oral hearing by: (N/A)

Counsel

Solicitor

Myself

*[please tick appropriate boxes]*

I \*wish/\*do not wish to be present personally at the oral hearing.

I \*wish/\*do not wish to appear by audio visual link at the oral hearing.

Date: 24 August 2017

*[Signed by appellant or legal practitioner on behalf of appellant]*

### NOTES TO APPELLANT—ORAL HEARING OPTION:

1. It is the aim of the Court of Appeal to deal with the majority of applications for leave to appeal by a single Judge of Appeal without an oral hearing. Consequently, unless you request an oral hearing, a single Judge of Appeal may determine the application on the basis of your grounds of appeal and accompanying written case without an oral hearing.
2. You may, however, request an oral hearing of your application by completing this section of this Form. This request must be confirmed to the Registrar of Criminal Appeals in writing in accordance with any applicable Practice Direction.
3. You must attach your written case in support of your application whether or not you request an oral hearing.