



**COURT OF APPEAL
CRIMINAL APPEALS - MAY**

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>McDonald v the Queen</i> [2014] VSCA 80	Convicted of maintaining a sexual relationship with a child under 16 (three charges); Pleaded guilty to possessing child pornography (one charge)	11 years and six months' imprisonment, non-parole period of nine years	Appeal against conviction and sentence	Dismissed	N/A	N/A	1 May 2014	Neave, Weinberg and Coghlan JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Monaghan v the Queen</i> [2014] VSCA 82	Pleaded guilty to theft (two charges), burglary (one charge), armed robbery (one charge) and assault of a police officer in due execution of his duty (one charge)	Five years and nine months' imprisonment, non-parole period of three years and nine months	Appeal against sentence	Allowed	Fresh evidence (appellant's impaired mental functioning) not available to sentencing judge	Five years' imprisonment with a non-parole period of three years and six months	1 May 2014	Nettle and Priest JJA
<i>Jose v the Queen</i> [2014] VSCA 90	Convicted of aggravated burglary (one charge) and intentionally causing serious injury (one charge)	Six years and three months' imprisonment, non-parole period of four years	Appeal against conviction	Dismissed	N/A	N/A	6 May 2014	Nettle, Redlich and Priest JJA
<i>Pasznyk v the Queen</i> [2014] VSCA 87	Pleaded guilty to culpable driving causing death (one charge) and driving a motor vehicle while disqualified (one charge)	10 years and six months' imprisonment, non-parole period of eight years	Appeal against sentence	Dismissed	N/A	N/A	8 May 2014	Nettle, Redlich and Priest JJA
<i>Avery v the Queen</i> [2014] VSCA 86	Convicted of sexual penetration against a child under 16 (three charges)	Five years' imprisonment, non-parole period of three years	Appeal against sentence and conviction	Dismissed	N/A	N/A	9 May 2014	Warren CJ, Redlich and Weinberg JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Haidari v the Queen</i> [2014] VSCA 91	Pleaded guilty to people smuggling (one charge), organising and bringing groups of non-citizens into Australia (one charge), aggravated people smuggling (one charge) and importation of a marketable quantity of a border controlled drug (methamphetamine, one charge)	11 years and six months' imprisonment, non-parole period of eight years	Application for an extension of time to appeal against sentence	Dismissed	N/A	N/A	9 May 2014	Weinberg and Santamaria JJA
<i>Patrick (a pseudonym) v the Queen</i> [2014] VSCA 89	Convicted of indecent assault (six charges) and gross indecency (one charge)	Six years and three months' imprisonment, non-parole period of four years	Appeal against conviction	Dismissed	N/A	N/A	14 May 2014	Neave and Tate JJA and Sifris AJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Dao v the Queen; Tran v the Queen</i> [2014] VSCA 93	Dao: Pleaded guilty to trafficking in a large commercial quantity of a drug of dependence (heroin and methyl amphetamine, one charge)	18 years' imprisonment, non-parole period of 13 years	Appeal against sentence	Dismissed	N/A	N/A	14 May 2014	Nettle, Redlich and Priest JJA
<i>Dao v the Queen; Tran v the Queen</i> [2014] VSCA 93	Tran: Pleaded guilty to trafficking in a large commercial quantity of a drug of dependence (heroin and methyl amphetamine, one charge)	18 years' imprisonment, non-parole period of 13 years	Appeal against sentence	Dismissed	N/A	N/A	14 May 2014	Nettle, Redlich and Priest JJA
<i>O'Connor v the Queen</i> [2014] VSCA 108	Pleaded guilty to aggravated burglary (one charge), recklessly causing injury (two charges) and criminal damage (one charge)	Four years and six months' imprisonment, non-parole period of two years and eight months	Appeal against sentence	Dismissed	N/A	N/A	19 May 2014	Maxwell P, Weinberg and Priest JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>O'Brien (a pseudonym) v the Queen</i> [2014] VSCA 94	Convicted of sexual penetration of a child under the age of 16 (one charge) and indecent act with a child under the age of 16 (three charges)	Four years' imprisonment, non-parole period of two years	Appeal against conviction and sentence	Appeal against sentence allowed; appeal against conviction dismissed	Failure to take delay into account as a mitigating factor	Three years' imprisonment with a non-parole period of 18 months	21 May 2014	Nettle and Priest JJA
<i>Taleb v the Queen</i> [2014] VSCA 96	Pled guilty to trafficking in a commercial quantity of a drug of dependence (amphetamine, one charge)	Two years and nine months' imprisonment, non-parole period of one year and six months	Appeal against sentence	Dismissed	N/A	N/A	22 May 2014	Neave and Weinberg JJA
<i>Pasinis v the Queen</i> [2014] VSCA 97	Pled guilty to intentionally causing serious injury (two charges)	Eight years' imprisonment, non-parole period of six years	Appeal against sentence	Dismissed	N/A	N/A	22 May 2014	Neave JA and Kyrou AJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Haddara v the Queen</i> [2014] VSCA 100	Convicted of intentionally causing serious injury (one charge) and reckless conduct endangering a person (one charge)	Eight years and six months' imprisonment, non-parole period of five years and four months	Appeal against conviction	Dismissed	N/A	N/A	27 May 2014	Redlich, Weinberg and Priest JJA
<i>Kumar v the Queen</i> [2014] VSCA 102	Pleaded guilty to rape (eight charges), sexual penetration by a worker at a facility of a person with a cognitive impairment (one charge), indecent act by a worker at a facility of a person with a cognitive impairment (one charge) and indecent assault (one charge)	18 years' imprisonment, non-parole period of 15 years	Application for an extension to appeal against conviction	Dismissed	N/A	N/A	27 May 2014	Nettle, and Redlich JJA and Almond AJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Jomaa v the Queen</i> [2014] VSCA 103	Pleaded guilty to burglary (six charges), theft (ten charges) and driving in a dangerous manner (one summary charge)	Six years and nine months' imprisonment, non-parole period of five years; aggregate fine of \$2,000 in relation to four of the charges of theft	Appeal against sentence	Dismissed	N/A	N/A	30 May 2014	Weinberg and Santamaria JJA



**COURT OF APPEAL
CRIMINAL APPEALS - JUNE**

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Fram v the Queen</i> [2014] VSCA 106	Convicted of recklessly causing serious injury (one charge) and affray (one charge)	Two years nine months' imprisonment, fifteen months of which was cumulated on existing sentences	Appeal against conviction ¹	Dismissed	N/A	N/A	2 June 2014	Weinberg and Santamaria JJA

¹ Application for leave by election, pursuant to s 315 of the *Criminal Procedure Act 2009* (Vic).

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>King v the Queen</i> [2014] VSCA 107	Convicted of indecent act with a child under 16 (four charges), indecent act in the presence of a child under 16 (one charge), threat to inflict serious injury (one charge) and sexual penetration of a child under 16 (two charges)	Seven years nine months' imprisonment, non-parole period of five years six months; registrable sex offender, life reporting period	Appeal against conviction	Allowed	Evidence of complainant BL inconsistent and improbable, resultant verdicts not reasonably open on the evidence	Verdict of acquittal entered on both charges of sexual penetration of child under 16, other verdicts quashed and new trial ordered	3 June 2014	Redlich and Weinberg JJA and Sifris AJA
<i>Ulutui v the Queen</i> [2014] VSCA 110	Convicted of kidnapping (one charge), recklessly causing injury (one charge), threat to kill (two charges), false imprisonment (one charge), blackmail (one charge) and intentionally causing injury (one charge)	Five years six months' imprisonment, non-parole period of three years nine months	Appeal against conviction	Dismissed	N/A	N/A	4 June 2014	Neave, Redlich and Tate JJA
<i>Warwick v the Queen</i> [2014] VSCA 114	Convicted of intentionally causing serious injury (one charge) and conduct endangering life (one charge)	Six years' imprisonment, non-parole period of four years	Application to appeal against sentence out of time	Dismissed	N/A	N/A	6 June 2014	Priest and Beach JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<p><i>Haydar Ali v the Queen;</i> <i>Billal Ali v the Queen;</i> <i>Badr Ali v the Queen</i> [2014] VSCA 117</p>	<p>Pleaded guilty to common law assault (three charges) and recklessly causing serious injury (one charge);</p> <p>Convicted of blackmail (one charge), kidnapping (one charge), robbery (two charges) and make threat to kill (one charge);</p> <p>Haydar Ali: also pleaded guilty to robbery (two charges) and common law assault (one charge);</p> <p>Billal Ali: also pleaded guilty to possessing a drug of dependence (one charge)</p>	<p>Haydar Ali: Five years nine months' imprisonment, non-parole period three years six months;</p> <p>Billal Ali: Five years' imprisonment, non-parole period of three years;</p> <p>Badr Ali: Five years' imprisonment, non-parole period of three years</p>	Appeal against conviction ²	Dismissed	N/A	N/A	16 June 2014	Maxwell ACJ and Tate and Beach JJA

² Application for leave by election, pursuant to s 315 of the *Criminal Procedure Act 2009* (Vic).

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Mathis (a pseudonym) v the Queen</i> [2014] VSCA 118	Convicted of incest (four charges), indecent act with a child under 16 (two charges) and attempted incest (one charge)	Eight years' imprisonment, non-parole period of six years	Appeal against conviction	Dismissed	N/A	N/A	16 June 2014	Maxwell ACJ and Neave JA and Kyrou AJA
<i>DPP (Cth) v Thai</i> [2014] VSCA 122	Pleaded guilty to conspiracy to import a marketable quantity of a border controlled drug (heroin, one charge) and trafficking a marketable quantity of a controlled drug (heroin, one charge)	Nine years' imprisonment, non-parole period of five years	Director's appeal against sentence	Dismissed	N/A	N/A	16 June 2014	Nettle and Beach JJA and Almond AJA
<i>Marrah v the Queen</i> [2014] VSCA 119	Pleaded guilty to recklessly causing injury (one charge), rape (one charge) and make threat to kill (one charge)	12 years, non-parole period of ten years	Appeal against sentence	Allowed	Manifest excess on two charges (RCSI and make threat to kill) conceded by the Crown	Nine years six months' imprisonment, non-parole period of six years six months	18 June 2014	Redlich and Tate JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Velkoski v the Queen</i> [2014] VSCA 121	Convicted of committing an indecent act with a child under 16 (15 charges)	Four years eight months' imprisonment, non-parole period of three years	Appeal against conviction	Allowed	Verdicts unsafe and unsatisfactory: jury may have employed tendency reasoning in an inappropriate context	Verdict of acquittal entered on two charges, other verdicts quashed and retrial ordered	18 June 2014	Redlich, Weinberg and Coghlan JJA
<i>DPP v Costa</i> [2014] VSCA 116	Convicted of theft (two charges), aggravated burglary (one charge), intentionally cause injury (one charge), false imprisonment (common law, one charge) and rape (one charge)	Ten years seven months' imprisonment, non-parole period of five years	Director's appeal against sentence	Allowed	Non-parole period manifestly inadequate	Ten years seven months' imprisonment, non-parole period of seven years	20 June 2014	Maxwell ACJ and Whelan and Priest JJA
<i>Zhou v the Queen</i> [2014] VSCA 123	Pleaded guilty to conspiracy to dishonestly influence a Commonwealth Public Official (one charge) and having custody and control of material designed for making a false document (one charge)	Four years seven months' imprisonment, with release on recognisance after two years for a period of two years and seven months	Appeal against sentence	Dismissed	N/A	N/A	20 June 2014	Nettle and Beach JJA and Almond AJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Rich v the Queen</i> [2014] VSCA 126	Convicted of murder (common law, one charge) and armed robbery (one charge)	Life imprisonment, non-parole period of 30 years	Appeal against conviction and sentence	Dismissed	N/A	N/A	20 June 2014	Nettle, Neave and Osborn JJA
<i>DPP (Cth) v Peng</i> [2014] VSCA 128	Pleaded guilty to importing a commercial quantity of a border controlled drug (methamphetamine, one charge)	11 years' imprisonment, non-parole period of seven years six months	Director's appeal against sentence	Allowed	Manifest inadequacy due to erroneous consideration of delay, possibility of deportation, isolation of foreign national from family and objective gravity of offending	13 years' imprisonment, non-parole period of ten years	20 June 2014	Nettle, Redlich and Priest JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Evison v the Queen</i> [2014] VSCA 132	Pleaded guilty to common assault (common law, two charges), make threat to kill (one charge), use carriage service to menace (one charge), aggravated burglary (one charge), make threat to inflict serious injury (one charge), cause criminal damage (one charge) and breach intervention order (summary offence, one charge)	Seven years three months' imprisonment, non-parole period of five years three months	Appeal against sentence	Allowed	Manifest excess, hypothesised to be possibly the result of a mistake as to the facts of one charge or insufficient weight to the principle of totality	Five years nine months' imprisonment, non-parole period of three years nine months	24 June 2014	Nettle, Tate and Beach JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>DPP v Vella</i> ; <i>DPP v Ray</i> [2014] VSCA 140	Convicted of aggravated burglary (one charge) and false imprisonment (one charge)	Vella: Three years three months' imprisonment, non-parole period of one year nine months Ray: Three years six months' imprisonment, non-parole period of two years	Director's appeal against sentence	Dismissed	N/A	N/A	26 June 2014	Maxwell P and Whelan and Beach JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<p><i>Saner v the Queen;</i> <i>Kamal v the Queen</i> [2014] VSCA 134</p>	<p>Saner: Pleaded guilty to conspiracy to commit armed robbery (one charge), burglary (one charge), theft (four charges), handle stolen goods (one charge) and deal with property suspected of being the proceeds of crime (summary offence, one charge)</p> <p>Kamal: Pleaded guilty to conspiracy to commit armed robbery (one charge), burglary (two charges), theft (three charges), possess unregistered firearm whilst a prohibited person (one charge) and dealing with property suspected of being the proceeds of crime (summary offence, two charges)</p>	<p>Saner: Six years six months' imprisonment, non-parole period of four years</p> <p>Kamal: Seven years three months' imprisonment, non-parole period of five years</p>	Appeal against sentence	Allowed for both	<p>Saner: Sentence manifestly excessive; parity with co-offender despite differing circumstance of offending; failure to make explicit any discount for cooperation</p> <p>Kamal: Sentence manifestly excessive for various reasons including disparity with co-offenders' sentences, double punishment, failure to account for subsequent legislative changes indicative of parliament's opinion of the seriousness of certain firearms offences</p>	<p>Saner: Five years nine months' imprisonment, non-parole period of three years six months</p> <p>Kamal: Six years three months' imprisonment, non-parole period of four years three months</p>	27 June 2014	Redlich and Tate JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Tasevski v the Queen</i> [2014] VSCA 135	Pleaded guilty to intentionally cause injury (one charge) and intentionally cause serious injury (one charge)	Nine years' imprisonment, non-parole period of seven years	Appeal against sentence	Dismissed	N/A	N/A	27 June 2014	Nettle, Tate and Beach JJA



**COURT OF APPEAL
CRIMINAL APPEALS - JULY**

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Reid (a Pseudonym) v the Queen</i> [2014] VSCA 145	Convicted of incest (13 charges), produce child pornography (one charge) and indecent act with child under 16 or 17 under care, supervision or authority (one charge)	18 years and eight months' imprisonment, non-parole period of 14 years eight months	Appeal against sentence	Allowed	Manifest excess; the total effective sentence and non-parole period were outside the range of those properly open in the sound exercise of the sentencing discretion	14 years' imprisonment, non-parole period of 10 years	1 July 2014	Maxwell P, Whelan and Priest JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Power v the Queen</i> [2014] VSCA 146	Convicted aggravated burglary (one charge), armed robbery (one charge), false imprisonment (one charge), recklessly causing injury (one charge) and possessing an unregistered general category handgun (one charge)	Eight years and two months' imprisonment, non-parole period of six years	Appeal against conviction	Dismissed	N/A	N/A	4 July 2014	Redlich and Priest JJA and Robson AJA
<i>Ayol v the Queen</i> [2014] VSCA 151	Convicted rape (one charge) and common assault (one charge)	Four years and 11 months' imprisonment, non-parole period of three years	Appeal against conviction and sentence	Dismissed	N/A	N.A	15 July 2014	Maxwell P, Redlich and Weinberg JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Kurt v the Queen</i> [2014] VSCA 147	Convicted of kidnapping (one charge), recklessly causing injury (one charge), make threat to kill (two charges), false imprisonment (one charge), blackmail (one charge), intentionally cause injury (one charge) and possession of a controlled weapon (one charge)	Five years and six months' imprisonment, non-parole period of three years and nine months	Appeal against conviction	Dismissed	N/A	N/A	17 July 2014	Weinberg and Santamaria JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Wagner v the Queen</i> [2014] VSCA 157	Pleaded guilty to attempting to obtain property by deception (one charge), handling stolen goods (one charge), recklessly dealing with the proceeds of crime (three charges), possessing an unregistered firearm (one charge), possessing a drug of dependence (two charges, methylamphetamine and cannabis)	Three years and two months' imprisonment, non-parole period of 30 months	Appeal against sentence	Allowed	Misstatement of the maximum sentence of various offences upon which the applicant was sentenced	Three years and one month imprisonment, non-parole period of 30 months	21 July 2014	Maxwell P and Redlich and Osborn JJA
<i>Leddin v the Queen</i> [2014] VSCA 155	Pleaded guilty to culpable driving causing death (one charge)	Four years and three months' imprisonment, non-parole period of two years and three months	Appeal against sentence	Dismissed	N/A	N/A	22 July 2014	Weinberg, Whelan and Beach JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Sinn v the Queen</i> [2014] VSCA 149	Pleaded guilty to trafficking in a drug of dependence (cannabis, commercial quantity, one charge)	Five years' imprisonment, non-parole period of three years and six months	Appeal against sentence	Allowed	Total effective sentence offended against the parity principle	Four years' imprisonment, non-parole period of three years	23 July 2014	Nettle and Redlich JJA and Almond AJA
<i>Booyesen v the Queen</i> [2014] VSCA 150	Convicted of importing a marketable quantity of border controlled drug (cocaine, one charge)	Eight years' imprisonment, non-parole period of five years	Appeal against conviction	Dismissed	N/A	N/A	23 July 2014	Redlich JA and Almond AJA
<i>McPhee v the Queen</i> [2014] VSCA 156	Pleaded guilty to murder (one charge)	20 years' imprisonment, non-parole period of 16 years	Appeal against sentence	Allowed	Manifest excess	18 years' imprisonment, non-parole period of 13 years	24 July 2014	Redlich and Priest JJA
<i>Mifsud v the Queen</i> [2014] VSCA 160	Convicted of intentionally causing injury (one charge), common assault (one charge) and theft (one charge)	23 months' imprisonment, suspended for 24 months	Appeal against sentence	Dismissed	N/A	N/A	24 July 2014	Redlich and Priest JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Miletto v the Queen</i> [2014] VSCA 161	Pleaded guilty to trafficking not less than a commercial drug of dependence (methamphetamine, one charge)	Five years' imprisonment, non-parole period of two years and six months	Appeal against sentence	Allowed	Fresh evidence after sentencing	Four years and six months' imprisonment, non-parole period of two years and three months	31 July 2014	Whelan and Priest JJA
<i>Farah v the Queen</i> [2014] VSCA 163	Convicted of armed robbery (one charge), threatening to kill (one charge) and false imprisonment (one charge)	Three years and nine months' imprisonment, non-parole period of two years	Appeal against conviction	Dismissed	N/A	N/A	31 July 2014	Whelan JA and Garde AJA



COURT OF APPEAL CRIMINAL APPEALS - AUGUST

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Gale v the Queen</i> [2014] VSCA 168	Pleaded guilty to stalking (two charges), aggravated burglary (one charge) and threatening to inflict serious injury (one charge)	Four years and six months' imprisonment, non-parole period of two years and six months	Appeal against sentence	Allowed	Manifest Excess	Three years and 10 months' imprisonment, non-parole period of one year and 10 months	7 August 2014	Weinberg, Whelan and Beach JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Fernandez v the Queen</i> [2014] VSCA 169	Pleaded guilty to trafficking a drug of dependence (methyl amphetamine) (one charge), possessing a drug of dependence (testosterone) (one charge), common assault (one charge) and stalking (one charge)	Four years and four months' imprisonment, non-parole period of two years and 10 months	Appeal against sentence	Allowed	Manifest excess	Four years' imprisonment, non-parole period of two years and six months	7 August 2014	Weinberg and Priest JJA
<i>Xibberas v the Queen</i> [2014] VSCA 170	Pleaded guilty to theft (one charge), intentionally causing serious injury (one charge) and common assault (one summary charge)	Five years and seven months' imprisonment, non-parole period of three years and 11 months	Appeal against sentence	Allowed	Manifest excess	Five years' imprisonment, non-parole period of three years	7 August 2014	Osborn and Priest JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Blair (a pseudonym) v the Queen</i> [2014] VSCA 175	Convicted incest (two charges)	10 years' imprisonment, non-parole period of eight years	Appeal against conviction and sentence	Appeal against conviction dismissed. Appeal against sentence allowed.	Manifest excess	Seven years' imprisonment, non-parole period of five years	15 August 2014	Weinberg, Whelan and Beach JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>McNaughton v the Queen</i> [2014] VSCA 174	Pleaded guilty to conspiracy to cultivate a drug of dependence (cannabis, one charge), trafficking in a drug of dependence (methyl amphetamine, ecstasy, cocaine, MDA, LSD, five charges), possession of substances and equipment for trafficking (one charge) and possession of a precursor chemical (one charge)	Six years and four months' imprisonment, non-parole period of three years and 10 months	Appeal against sentence	Dismissed	N/A	N/A	18 August 2014	Hansen and Priest JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Walker v the Queen</i> [2014] VSCA 177	Convicted recklessly causing injury (two charges)	Three months' imprisonment, 18 months' community corrections order	Appeal against conviction	Allowed	Risk that the jury could or would have been improperly influenced by the evidence of the appellant's prior imprisonment	Convictions quashed, matter remitted	18 August 2014	Weinberg, Osborn and Priest JJA
<i>Allen v the Queen</i> [2014] VSCA 177	Convicted dangerous driving causing death (one charge), dangerous driving causing serious injury (one charge), failing to stop after an accident (one charge) and failing to render assistance after an accident (one charge)	Three years' imprisonment, non-parole period of 18 months	Appeal against conviction	Dismissed	N/A	N/A	20 August 2014	Maxwell P, Neave and Kyrou JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Hendricks v the Queen</i> [2014] VSCA 185	Convicted of cultivating a narcotic plant in a commercial quantity (one charge)	18 months' imprisonment, six months suspended for a period of 18 months	Appeal against sentence	Allowed	Fresh Evidence	Eight months' imprisonment	21 August 2014	Redlich and Weinberg JJA
<i>Giles v the Queen</i> [2014] VSCA 183	Convicted of murder (one charge), theft (two charges) and arson (one charge)	26 years' imprisonment, non-parole period of 21 years	Appeal against sentence	Dismissed	N/A	N/A	22 August 2014	Ashley JA
<i>Mike Hanna v the Queen;</i> <i>Mohamed Mohamed v the Queen;</i> <i>Ahmed Mohamed v the Queen</i> [2014] VSCA 187	Hanna was convicted of kidnapping (one charge), false imprisonment (one charge) and intentionally causing injury (one charge)	Nine years and six months' imprisonment, non-parole period of seven years	Appeal against conviction and sentence	Appeal against conviction dismissed; Appeal against sentence dismissed	N/A	N/A	26 August 2014	Maxwell P, Neave and Priest JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Mike Hanna v the Queen; Mohamed Mohamed v the Queen; Ahmed Mohamed v the Queen</i> [2014] VSCA 187	Mohamed Mohamed was convicted of kidnapping (one charge), false imprisonment (one charge) and intentionally causing injury (one charge)	Nine years and six months' imprisonment, non-parole period of seven years	Appeal against conviction and sentence	Appeal against conviction dismissed; Appeal against sentence allowed	Different roles in the offending, relative youth and better prospects of rehabilitation should have resulted in different sentences to that of another offender	Eight years' imprisonment, non-parole period of five years and six months' imprisonment	26 August 2014	Maxwell P, Neave and Priest JJA
<i>Mike Hanna v the Queen; Mohamed Mohamed v the Queen; Ahmed Mohamed v the Queen</i> [2014] VSCA 187	Ahmed Mohamed was convicted of kidnapping (one charge), false imprisonment (one charge) and intentionally causing injury (one charge)	Nine years and six months' imprisonment, non-parole period of seven years	Appeal against conviction and sentence	Appeal against conviction dismissed; Appeal against sentence allowed	Different roles in the offending, relative youth and better prospects of rehabilitation should have resulted in different sentences to that of another offender	Eight years' imprisonment, non-parole period of five years and six months' imprisonment	26 August 2014	Maxwell P, Neave and Priest JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Lewis v the Queen</i> [2014] VSCA 188	Convicted of lodging a document with ASIC that is misleading in a material respect due to an omission under s 1308(2) of the <i>Corporations Act 2001</i> (Cth) (one charge)	12 months' suspended sentence	Appeal against conviction	Dismissed	N/A	N/A	26 August 2014	Maxwell P, Weinberg and Kyrou JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Saleem v the Queen</i> [2014] VSCA 190	Pleaded guilty to attempting to pervert the course of justice (one charge)	14 months' imprisonment, wholly cumulative upon sentences imposed for other offences on appeal from the County Court, total effective sentence of 20 months' imprisonment, and non-parole period of 10 months.	Appeal against sentence	Allowed	Manifest excess as the order for cumulation produced an overall sentence that does not reflect the principle of totality	14 months' imprisonment, 10 months to be served cumulatively upon sentences imposed for other offences resulting in an effective total sentence of 16 months' imprisonment, non-parole period of eight months.	26 August 2014	Redlich and Priest JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Pilgrim v the Queen</i> [2014] VSCA 191	Pleaded guilty to theft of motor vehicles (one charge) stalking (one charge), false imprisonment (one charge), possession of explosive substances (one charge), aggravated burglary (one charge), intentionally causing injury (one charge), abduction (one charge), rape (four charges) and possession of child pornography (one charge)	23 years and six months' imprisonment, non-parole period of 19 years	Appeal against sentence	Allowed	Infringement of totality principle – aggregate sentence involved excessive orders for cumulation	18 years' imprisonment, non-parole period of 14 years	28 August 2014	Nettle, Redlich JJA and Almond AJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Curypko v the Queen</i> [2014] VSCA 192	Pleaded guilty to intentionally causing serious injury (one charge)	Five years' imprisonment, non-parole period of two years and six months	Appeal against sentence	Dismissed	N/A	N/A	29 August 2014	Ashley and Neave JJA