



COURT OF APPEAL CRIMINAL APPEALS - JANUARY

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Sherritt v The Queen</i> [2015] VSCA 1	Pleaded guilty to indecent assault (four charges), attempted indecent assault (one charge) and sexual penetration of a child under 10 (two charges).	Four months' imprisonment; two year Community Correction Order containing a condition that the applicant complete 200 hours of community service	Appeal against sentence.	Allowed.	Manifest excess	Two year Community Correction Order. As the applicant served in excess of three months' imprisonment the requirement to perform 200 hours of community service was set aside.	28 January 2015.	Maxwell P and Priest JA.



**COURT OF APPEAL
CRIMINAL APPEALS - FEBRUARY**

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>McAleer v the Queen</i> [2015] VSCA 4	Pleaded guilty to aiding and abetting trafficking in a drug of dependence (methylamphetamine, one charge) and possession of an unregistered general category handgun (one charge)	Two years' imprisonment, non-parole period of 10 months	Appeal against sentence	Allowed	Manifest excess	Two years' Community Correction Order	4 February 2015	Priest and Beach JJA
<i>Picone v the Queen</i> [2015] VSCA 5	Convicted of intentionally causing serious injury (one charge)	Six years and six months' imprisonment, non-parole period of four years and six months	Appeal against sentence	Allowed	Manifest excess	Five years' imprisonment, non-parole period of three years	5 February 2015	Priest and Beach JJA

<i>Camara v the Queen</i> [2015] VSCA 20	Pleaded guilty to conspiracy to defraud (two charges)	Six years' imprisonment, non-parole period of four years	Appeal against sentence	Allowed	Lack of parity with co-offender's sentence	Five years' imprisonment , non-parole period of three years	10 February 2015	Bongiorno and Priest JJA
<i>DPP v Cartwright</i> [2015] VSCA 11	Pleaded guilty to aggravated burglary (one charge)	Six and a half years' imprisonment, non-parole period of four years	Director's appeal against sentence (failure to make order for registration under the <i>Sex Offenders Registration Act 2004</i>)	Dismissed	N/A	N/A	11 February 2015	Weinberg, Priest and Beach JJA
<i>Hicks v The Queen</i> [2015] VSCA 14	Convicted of murder (one charge), aggravated burglary (one charge) and theft (one charge)	Life imprisonment, non-parole period of 32 years	Appeal against sentence	Dismissed	N/A	N/A	11 February 2015	Ashley, Whelan and Beach JJA

<i>O'Reilly v the Queen</i> [2015] VSCA 19	Convicted of sexual penetration of a child under 16 years (five charges); pleaded guilty to sexual penetration of a child under 16 years (one charge)	Nine years and nine months' imprisonment, non-parole period of seven years	Appeal against conviction and sentence (trial offences only – five charges of sexual penetration of a child)	Appeal against conviction allowed	Verdict unsafe and satisfactory	Convictions quashed, verdicts of acquittal entered. Two years and six months' imprisonment, non-parole period of 18 months (for plea offence – one charge of sexual penetration of a child under 16)	16 February 2015	Weinberg, Priest and Beach JJA
<i>DPP v Torun</i> [2015] VSCA 15	Pleaded guilty to manslaughter (one charge)	Eight years' imprisonment, non-parole period of five years	Director's appeal against sentence	Dismissed	N/A	N/A	17 February 2015	Ashley, Whelan and Beach JJA
<i>Ellis v The Queen</i> [2015] VSCA 21	Pleaded guilty to recklessly causing serious injury (one charge)	Two years and six months' imprisonment, non-parole period of one year three months	Appeal against sentence	Dismissed	N/A	N/A	17 February 2015	Bongiorno and Kyrou JJA

<p><i>Ahmad v the Queen</i> [2015] VSCA 23</p>	<p>Pleaded guilty to affray (one charge), trafficking a drug of dependence (methamphetamine, one charge), robbery (one charge), intentionally causing injury (one charge), possession of a drug of dependence (methamphetamine, one charge), possession of counterfeit money (one charge), making a threat to cause serious injury (one charge), storing ammunition in an insecure manner (one summary charge), possession of a prohibited weapon (one summary charge), and possession of a controlled weapon (one summary charge)</p>	<p>674 days' imprisonment and three year Community Correction Order with a condition for 250 hours of community work</p>	<p>Appeal against sentence</p>	<p>Dismissed</p>	<p>N/A</p>	<p>N/A</p>	<p>17 February 2015</p>	<p>Priest and Beach JJA</p>
--	--	--	--------------------------------	------------------	------------	------------	-------------------------	-----------------------------

<i>Zandi v the Queen</i> [2015] VSCA 24	Pleaded guilty to attempting to possess a marketable quantity of a border controlled drug (cocaine, one charge)	Seven years' imprisonment, non-parole period of four years	Appeal against sentence	Dismissed	N/A	N/A	17 February 2015	Priest and Beach JJA
<i>DPP (Cth) v Estrada; DPP (Cth) v Yuan; DPP (Cth) v Byun</i> [2015] VSCA 22	Each respondent (Estrada, Yuan, Byun) pleaded guilty to conspiracy to manufacture a commercial quantity of a controlled drug (methamphetamine, one charge)	Each respondent: five years' imprisonment, non-parole period of three years	Director's appeal against sentence	Allowed	Manifest inadequacy	Each respondent: eight years' imprisonment, non-parole period of five years	20 February 2015	Priest, Beach JJA and King AJA
<i>Skinner (a Pseudonym) v the Queen</i> [2015] VSCA 26	Convicted of indecent assault (eight charges), sexual penetration of a child under 10 (one charge), indecent assault (four other charges)	10 years and four months' imprisonment, non-parole period of six years	Appeal against conviction (some charges only)	Allowed	Substantial miscarriage of justice (fundamentally due to the trial prosecutor's cross-examination of the accused)	Retrial ordered on some charges, Six years and four months' imprisonment, four year non-parole period on remaining charges	24 February 2015	Weinberg, Priest and Beach JJA

<p><i>Marocchini v the Queen</i> [2015] VSCA 29</p>	<p>Pleaded guilty to criminal damage (two charges), reckless conduct placing another person in danger of serious injury (one charge), recklessly causing serious injury (one charge), making a threat to kill (one charge) and assaulting police (one charge). Also pleaded guilty to summary offences of dangerous driving, resist police, possessing a dangerous article and using a tracking device.</p>	<p>Three years and three months' imprisonment, non-parole period of two years</p>	<p>Appeal against sentence</p>	<p>Allowed</p>	<p>Manifest excess</p>	<p>Four months' imprisonment, three year Community Correction Order</p>	<p>25 February 2015</p>	<p>Ashley and Beach JJA</p>
<p><i>Cox v the Queen</i> [2015] VSCA 28</p>	<p>Convicted of rape (five charges) and indecent assault (six charges),</p>	<p>Nine years' imprisonment</p>	<p>Appeal against conviction</p>	<p>Dismissed</p>	<p>N/A</p>	<p>N/A</p>	<p>26 February 2015</p>	<p>Weinberg, Priest and Beach JJA</p>



**COURT OF APPEAL
CRIMINAL APPEALS — MARCH 2015**

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Mong v The Queen</i> [2015] VSCA 33	Pleaded guilty to trafficking in a drug of dependence – large commercial quantity (heroin, one charge)	11 years and six months' imprisonment, non-parole period of eight years and six months	Appeal against sentence	Dismissed	N/A	N/A	6 March 2015	Osborn, Priest and Beach JJA
<i>Pham v The Queen; Le v The Queen</i> [2015] VSCA 34	Pham pleaded guilty to trafficking in a drug of dependence – large commercial quantity (heroin, one charge)	Eight years and six months' imprisonment, non-parole period of five years and six months	Appeal against sentence	Dismissed	N/A	N/A	6 March 2015	Osborn, 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
<i>Pham v The Queen; Le v The Queen</i> [2015] VSCA 34	Le pleaded guilty to trafficking in a drug of dependence – large commercial quantity (heroin, one charge)	12 years' imprisonment, non-parole period of nine years	Appeal against sentence	Dismissed	N/A	N/A	6 March 2015	Osborn, Priest and Beach JJA
<i>Ludwig v The Queen</i> [2015] VSCA 35	Pleaded guilty to trafficking a marketable quantity of a controlled drug (various drugs, one charge), importing a marketable quantity of a border controlled drug (various drugs, two charges), importing tier 2 goods (two charges), importing a marketable quantity of a border controlled precursor (one charge), possession of a controlled drug (various drugs, one charge), and four uplifted summary charges of possessing a prohibited weapon .	Three years and 11 months' imprisonment, to be released after 30 months on a Recognisance Release Order for a period of two years	Appeal against sentence	Dismissed	N/A	N/A	10 March 2015	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>Kev v The Queen</i> [2015] VSCA 36	Convicted of importing commercial quantity of a border controlled drug (heroin, one charge) and possessing a commercial quantity of a border controlled drug (heroin, one charge)	14 years and nine months' imprisonment, non-parole period of 11 years	Appeal against conviction and sentence	Appeal against conviction dismissed; appeal against sentence to be determined at a later date	N/A	N/A	10 March 2015	Weinberg and Santamaria JJA
<i>Walsh v The Queen</i> [2015] VSCA 41	Pleaded guilty to theft (one charge), burglary (one charge) and possess drug of dependence (Xanax, charge)	Three years' imprisonment, non-parole period of two years	Appeal against sentence	Dismissed	N/A	N/A	16 March 2015	Weinberg and Beach JJA
<i>Cole (a Pseudonym) v The Queen</i> [2015] VSCA 44	Convicted of committing an indecent act with a child under 16 (three charges)	One year and eight months' imprisonment, non-parole period of 12 months	Appeal against sentence	Allowed	Manifest excess	Two year Community Correction Order with conditions including 200 hours' of community work	20 March 2015	Ashley 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>Alam v The Queen</i> [2015] VSCA 48	Pleaded guilty to making a false Commonwealth document (one charge) and falsely representing himself to be a Commonwealth official (one charge)	Two years' imprisonment, to be released after serving ten months upon the provision of security by recognisance of \$2,000 on the condition that he be of good behaviour for a period of five years and pay a pecuniary penalty of \$87,167.74	Appeal against sentence	Allowed	Manifest excess	12 months' imprisonment, to be released after serving four months upon the provision of security by recognisance of \$2,000 on the condition that he be of good behaviour for a period of three years; three year Community Correction Order with conditions including 300 hours' of community work; pecuniary penalty of \$87,167.74	24 March 2015	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
<i>Karam v The Queen</i> [2015] VSCA 50	Convicted of conspiring to possess an unlawfully imported border controlled drug in a commercial quantity (MDMA, one charge)	19 years' imprisonment, non-parole period of 15 years	Appeal against conviction and sentence	Dismissed	N/A	N/A	31 March 2015	Weinberg, Priest and Beach JJA
<i>Booth v The Queen</i> [2015] VSCA 51	Convicted of criminal damage (one charge), aggravated burglary (one charge), common assault (one charge), and kidnapping (one charge). Pleaded guilty to being a prohibited person in possession of a firearm (one charge)	Nine years and three months' imprisonment, non-parole period of seven years	Appeal against sentence	Allowed	Discrete error	Eight years and three months' imprisonment, non-parole period of six years and three months	31 March 2015	Ashley and Priest JJA



**COURT OF APPEAL
CRIMINAL APPEALS – APRIL 2015**

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 (Cth) v Merrill (a Pseudonym)</i> [2015] VSCA 52	Pleaded guilty to trafficking a marketable quantity of a controlled drug (methamphetamine, one charge)	42 months' imprisonment, to be released after serving 14 months upon the provision of security by recognisance of \$5,000 on the condition that he be of good behaviour for a period of 30 months	Appeal against sentence	Allowed	Manifest inadequacy	Six years' imprisonment, non-parole period of four years	1 April 2015	Maxwell P, Weinberg and Beach JJA
<i>Marks-Vincenti v The Queen</i>	Convicted of aggravated burglary (one	Nine months' imprisonment, 15 month	Appeal against conviction	Allowed	Incorrect instruction to jury based on error of	Conviction for aggravated burglary	1 April 2015	Maxwell P, Weinberg and Beach

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
[2015] VSCA 54	charge) and common law assault (one charge)	Community Correction Order upon release with conditions including 250 hours of community work			law (the jury was told the applicant could be found guilty of trespass on the basis of certain individuals forbidding entry to the home; individuals lacked sufficient entitlement to possession of the home and thus had no authority to ban the applicant)	quashed and new trial ordered; Resentenced to 6 months' imprisonment for common law assault;		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>Bauer (a Pseudonym) v The Queen</i> [2015] VSCA 55	Pleaded guilty to indecent assault (two charges); convicted of indecent assault (17 charges), gross indecency (one charge), sexual penetration of a child under 10 (one charge), sexual penetration of a child under 16 (five charges), attempted sexual penetration of a child under 10 (one charge) and committing an indecent act with a child under 16 (eight charges)	15 years' imprisonment, non-parole period of 12 years	Appeal against conviction and sentence	Allowed	Sentences on plea indictment manifestly excessive; overloaded trial indictment; evidence incorrectly admitted as tendency evidence; failure to sever the charges relating to different complainants; failure to order permanent stay of the charges in respect of complainants GP and JW; one charge infected by latent duplicity;	In relation to plea indictment: 8 months In relation to trial indictment: convictions quashed, new trial ordered in relation to majority of charges; acquittal ordered in relation to 6 charges	1 April 2015	Maxwell P, Weinberg and Priest JJA
<i>Nguyen v The Queen</i> [2015] VSCA 63	Pleaded guilty to extortion accompanied by threat to inflict	Three years' imprisonment, non-parole period of two	Appeal against sentence	Dismissed	N/A	N/A	15 April 2015	Redlich, Beach 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
	injury (one count) and theft (two charges)	years						
<i>Cvetanovski v The Queen</i> [2015] VSCA 65	Pleaded guilty to trafficking in a commercial quantity of a drug of dependence (Phenyl-2-Propanone, one charge, MDMA, one charge), possessing a drug of dependence (Phenyl-2-Propanone, one charge), possession of precursor chemicals (one charge), possession of substances, materials, documents or equipment for trafficking in a drug of dependence (one charge),	Six years' imprisonment (two years to be served cumulatively with a prior custodial sentence), non-parole period of 6 years and 6 months fixed in respect of all sentences being served	Appeal against conviction	Dismissed	N/A	N/A	16 April 2015	Weinberg, 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
	obtaining financial advantage by deception (two charges)							
<i>Chen v The Queen</i> [2015] VSCA 71	Convicted of intentionally causing serious injury (one charge)	Four years' imprisonment, non-parole period of two years	Appeal against conviction	Dismissed	N/A	N/A	21 April 2015	Weinberg and Priest JJA and Dixon AJA
<i>Werden v The Queen</i> [2015] VSCA 72	Convicted of obtaining financial advantage by deception (nine charges) and attempting to obtain financial advantage by deception (14 charges)	Nine years and 10 months' imprisonment, non-parole period of seven years, payment of compensation totalling \$390,323.89	Appeal against conviction	Dismissed	N/A	N/A	23 April 2015	Ashley, Osborn and Priest JJA
<i>Nguyen v The Queen</i> [2015] VSCA 76	Tran Convicted of trafficking in a large commercial quantity of a drug of dependence (heroin, one charge)	Tran Eight years' imprisonment, non-parole period of five years and six months	Appeal against conviction and sentence	Dismissed	N/A	N/A	30 April 2015	Weinberg, Priest and Beach JJA
<i>Nguyen v The Queen</i>	Nguyen Convicted of	Nguyen Five years and six	Appeal against	Dismissed	N/A	N/A	30 April 2015	Weinberg, Priest and

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
[2015] VSCA 76	trafficking in a large commercial quantity of a drug of dependence (heroin, one charge)	months' imprisonment, non-parole period of three years and nine months	conviction					Beach JJA



**COURT OF APPEAL
CRIMINAL APPEALS – MAY 2015**

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Khoa v The Queen</i> [2015] VSCA 80	Pleaded guilty to cultivating a commercial quantity of narcotic plants (cannabis, one charge)	Two years and three months' imprisonment, non-parole period of one year and three months	Appeal against sentence	Allowed	Lack of parity with co-offender	One year and six months' imprisonment, non-parole period of one year	1 May 2015	Weinberg and Kyrou JJA
<i>Rehal v The Queen</i> [2015] VSCA 81	Pleaded guilty to intentionally causing serious injury (one charge)	Five years' imprisonment, non-parole period of three years and four months	Appeal against sentence	Dismissed	N/A	N/A	1 May 2015	Osborn and Kaye JJA
<i>Georges v The Queen</i> [2015] VSCA 82	Pleaded guilty to conspiracy to defraud (two charges)	Six years' imprisonment, non-parole period of four years	Appeal against sentence	Dismissed	N/A	N/A	1 May 2015	Bongiorno 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>Soo v The Queen</i> [2015] VSCA 84	Convicted of committing an indecent act with a child under 16 (two charges), producing child pornography (two charges) and common assault (one charge)	Five years' imprisonment, non-parole period of three years	Appeal against conviction	Dismissed	N/A	N/A	1 May 2015	Osborn and Kaye JJA
<i>McCloskey-Sharp v The Queen</i> [2015] VSCA 87	Convicted of recklessly causing injury (one charge) and affray (one charge)	Two years and three months' imprisonment, non-parole period of one year and five months	Appeal against sentence	Dismissed	N/A	N/A	6 May 2015	Osborn JA
<i>Allen v The Queen</i> [2015] VSCA 89	Pleaded guilty to aggravated burglary (one charge), theft (two charges) and common law assault (two charges)	Five years' imprisonment, non-parole period of three years	Appeal against sentence	Dismissed	N/A	N/A	6 May 2015	Osborn JA
<i>Powell v The Queen</i> [2015] VSCA 93	Pleaded guilty to trafficking in a drug of dependence (methylamphetamine, one charge), possessing a substance, material or equipment relating to	Two years and nine months' imprisonment, non-parole period of one year and nine months	Appeal against sentence	Allowed	Sentence in respect of firearms charge manifestly excessive	Two years' imprisonment, non-parole period of 15 months	6 May 2015	Weinberg and Kyrrou JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
	trafficking a drug of dependence, possessing a drug of dependence (ecstasy, one charge), being a prohibited person in possession of a firearm (one charge) and possessing a prohibited weapon without approval (three summary charges)							
<i>Acosta v The Queen</i> [2015] VSCA 94	Pleaded guilty to obtaining financial advantage by deception (three charges) and attempting to obtain financial advantage by deception (four charges)	Two years' imprisonment, to be released on recognisance release order after six months	Appeal against sentence	Dismissed	N/A	N/A	8 May 2015	Weinberg and Kyrrou JJA
<i>Roujnikov v The Queen</i> [2015] VSCA 97	Pleaded guilty to obtaining financial advantage by deception (one charge), attempting to obtain financial advantage by deception (one charge) and	Nine months' imprisonment; five year Community Correction Order with conditions including 300 hours' of	Appeal against sentence	Dismissed	N/A	N/A	8 May 2015	Weinberg and Kyrrou JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
	possessing a drug of dependence (one charge)	community work						
<i>Kennedy (a pseudonym) v The Queen</i> [2015] VSCA 49	Pleaded guilty to intentionally causing serious injury (one charge)	Three years and six months' imprisonment, non-parole period of one year and six months	Appeal against sentence	Dismissed	N/A	N/A	11 May 2015	Maxwell P, Weinberg and Beach JJA
<i>DPP v Maxfield</i> [2015] VSCA 95	Pleaded guilty to intentionally causing serious injury (one charge)	12 month Community Corrections Order with conditions	Appeal against sentence	Allowed	Manifest inadequacy	Three year Community Corrections Order with conditions including 100 hours' of community	12 May 2015	Maxwell, Weinberg and Priest JJA
<i>DPP v Zhuang</i> [2015] VSCA 96	Convicted of murder (one charge)	18 years' imprisonment, non-parole period of 13 years and six months	Appeal against sentence	Allowed	Manifest inadequacy	22 years' imprisonment, non-parole period of 17 years	13 May 2015	Redlich, Priest and Beach JJA
<i>Raveche v The Queen</i> [2015] VSCA 99	Pleaded guilty to affray (one charge) and recklessly causing serious injury (one charge)	Three years and eight months' imprisonment, non-parole period of one year and nine	Appeal against sentence	Dismissed	N/A	N/A	15 May 2015	Redlich 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
		months						
<i>Barwick v The Queen</i> [2015] VSCA 100	Pleaded guilty to trafficking in a commercial quantity of a drug of dependence (MDMA, one charge), trafficking in a drug of dependence (methamphetamine, one charge); being a prohibited person in possession of a firearm (one charge), possession of a drug of dependence (cannabis, one charge and methorphan, one charge), dealing with property suspected to be the proceeds of crime (two summary charges), possession of a prohibited weapon (one summary charge), dealing with unauthorised explosives without approval (one summary charge),	Five years and three months' imprisonment, non-parole period of three years; \$1,850 fine.	Appeal against sentence	Allowed	Specific error and manifest excess	Four years and nine months' imprisonment, non-parole period of 2 years and 7 months; \$1,850 fine.	15 May 2015	Redlich 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
	possession of police identification (one summary charge), and possession of cartridge ammunition (one summary charge)							
<i>Latina v The Queen</i> [2015] VSCA 102	Pleaded guilty to trafficking in a drug of dependence (methylamphetamine, one charge), possession of substance, material or equipment for manufacturing a drug of dependence (two charges), handling stolen goods (one charge), possessing, carrying or using an unregistered category B longarm (three charges), possessing cartridge ammunition without a licence or permit (two summary charges), dealing with property suspected of being proceeds of crime (four summary	Six years and six months' imprisonment, non-parole period of four years; \$3,000 fine	Appeal against sentence	Allowed	Manifest excess	Five years' imprisonment, non-parole period of two years and nine months; \$3,000 fine	15 May 2015	Redlich 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
	charges), and possession of a prohibited weapon without exemption (four summary charges)							
<i>Cotton (a Pseudonym) v The Queen</i> [2015] VSCA 103	Convicted of incest (eight charges) and committing an indecent act with a child under 16 (two charges)	13 years' imprisonment, non-parole period of ten years	Appeal against sentence	Dismissed	N/A	N/A	18 May 2015	Weinberg and Kyrrou JJA
<i>McLean (a Pseudonym) v The Queen</i> [2015] VSCA 104	Convicted of armed robbery (two charges), attempted armed robbery (one charge) and possession of a controlled weapon (one charge)	Six years' imprisonment, non-parole period of three years and five months	Appeal against sentence	Allowed	Lack of parity and/or lack of consideration of <i>Verdins</i> principles (prison would be more onerous for the appellant due to being a recent victim of rape and testifying against the perpetrator while incarcerated)	Five years and six months' imprisonment, non-parole period of three years	18 May 2015	Weinberg and Kyrrou JJA
<i>Collins v The Queen</i>	Pleaded guilty to burglary (one charge),	Five years' imprisonment,	Appeal against	Dismissed	N/A	N/A	18 May 2015	Whelan, Santamaria

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
[2015] VSCA 106	theft (one charge), armed robbery (one charge) and possessing an unregistered general category handgun (one charge)	non-parole period of three years	sentence					and Beach JJA
<i>DPP v Kemp</i> [2015] VSCA 108	Pleaded guilty to intentionally causing serious injury (one charge)	Two years' imprisonment, non-parole period of 15 months; 18 month Community Corrections Order commencing upon release with conditions	Appeal against sentence	Allowed	Manifest inadequacy	Six years' imprisonment, non-parole period of three years and six months	19 May 2015	Whelan, Santamaria and Beach JJA
<i>Mahat v The Queen</i> [2015] VSCA 111	Pleaded guilty to aggravated burglary (four charges), armed robbery (one charge), intentionally causing serious injury (one charge), burglary (one charge) and theft (three charges)	Nine years' imprisonment, non-parole period of seven years	Appeal against sentence	Dismissed	N/A	N/A	19 May 2015	Whelan, Santamaria and Beach JJA
<i>Pate (a pseudonym)</i>	Convicted of sexual penetration of a child	Four years' imprisonment,	Appeal against	Allowed	Inadequate jury directions on	Convictions quashed; new	20 May 2015	Weinberg and Priest

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>v The Queen</i> [2015] VSCA 110	under the age of 16 (two charges)	non-parole period of two years and six months	conviction		forensic disadvantage	trial ordered		JJA and Dixon AJA
<i>Hamoud v The Queen</i> [2015] VSCA 114	Pleaded guilty to obtaining property by deception (four charges)	Four year Community Corrections Order with conditions including 150 hours' of community work, \$5,000 fine; restitution orders	Appeal against sentence	Dismissed	N/A	N/A	20 May 2015	Ashley and Priest JJA
<i>Hutchinson v The Queen</i> [2015] VSCA 115	Pleaded guilty to reckless conduct endangering serious injury (one charge), recklessly causing injury (one charge), exceeding the prescribed concentration of alcohol within three hours of driving (one charge), being a learner driver without having an experienced driver sitting beside him (one)	Five months' imprisonment; 18 months Community Correction Order with conditions including 200 hours' of community work; \$800 fine; cancellation of driving permits/licenses with two year disqualification	Appeal against sentence	Dismissed	N/A	N/A	20 May 2015	Ashley 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
	charge) and failing to display 'L' plates (one charge)	period						
<i>Destanovic v The Queen; Tangaloa v The Queen</i> [2015] VSCA 113	Destanovic Convicted of aggravated burglary (one charge), intentionally causing serious injury (one charge) and armed robbery (one charge)	Eight years' imprisonment, non-parole period of five years	Appeal against conviction and sentence	Allowed	Substantial miscarriage of justice (failure to order separate trial, judge erroneously directed jury that it was legitimate to reason from an acceptance of evidence against only the co-offenders that Destanovic was guilty)	Convictions quashed; new trial ordered	21 May 2015	Maxwell P, Weinberg and Beach JJA
<i>Destanovic v The Queen; Tangaloa v The Queen</i> [2015] VSCA 113	Tangaloa Convicted of aggravated burglary (one charge), intentionally causing serious injury (one charge) and armed robbery (one charge)	Eight years' imprisonment, non-parole period of five years	Appeal against conviction and sentence	Dismissed	N/A	N/A	21 May 2015	Maxwell P, Weinberg and Beach JJA
<i>Basic v The Queen</i> [2015] VSCA 109	Convicted of trafficking a commercial quantity of a drug of	Four years' imprisonment, non-parole period of three	Appeal against conviction	Dismissed	N/A	N/A	22 May 2015	Ashley, 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
	dependence (cocaine, one charge) and knowingly dealing with the proceeds of crime (one charge)	years						
<i>DPP v Dix</i> [2015] VSCA 118	Pleaded guilty to recklessly causing serious injury (one charge) and intentionally causing serious injury (one charge). (As these offences gave rise to a breach of a suspended sentence, also sentenced in relation to one summary charge of recklessly causing serious injury and one summary charge of contravention of suspended sentence order.)	24 months' imprisonment, non-parole period of 14 months	Director's appeal against sentence	Allowed	Manifest inadequacy	Four years and two months' imprisonment, non-parole period of two years and four months	25 May 2015	Maxwell P, Weinberg and Beach JJA
<i>Dyason v The Queen</i> [2015] VSCA 120	Pleaded guilty to obtaining property by deception (seven charges)	Five years' imprisonment, non-parole period of three years; restitution order of \$1,303,543	Appeal against sentence	Dismissed	N/A	N/A	26 May 2015	Whelan, Santamaria 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>Mackay v The Queen</i> [2015] VSCA 125	Pleaded guilty to armed robbery (one charge)	Two years' imprisonment, non-parole period of one year	Appeal against sentence	Allowed	Error in determining that an 'active custodial sentence' was the only option	Nine months' imprisonment; three year Community Corrections Order commencing upon release with conditions	27 May 2015	Ashley and Whelan JJA



COURT OF APPEAL CRIMINAL APPEALS – JUNE 2015

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Wahi v The Queen</i> [2015] VSCA 132	Convicted of rape (two charges), attempted rape (one charge) and indecent assault (one charge)	Six years' imprisonment, non-parole period of three years and six months	Appeal against conviction	Appeal dismissed	n/a	n/a	2 June 2015	Redlich, Weinberg and Osborn JJA
<i>Janes v The Queen</i> [2015] VSCA 133	Convicted of armed robbery (one charge)	Two years and six months' imprisonment, non-parole period of 20 months	Appeal against conviction	Appeal dismissed	n/a	n/a	2 June 2015	Ashley, Priest and Beach JJA
<i>Oleyar v The Queen</i> [2015] VSCA 134	Pleaded guilty to trafficking a drug of dependence (methamphetamine, one	Four years and six months' imprisonment, non-parole period of three	Appeal against sentence	Appeal dismissed	n/a	n/a	4 June 2015	Ashley 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
	charge), possessing a drug of dependence (various drugs, five charges), possessing precursor chemicals (one charge) and knowingly dealing with the proceeds of crime (one charge)	years						
<i>Kerr v The Queen</i> [2015] VSCA 135	Convicted of manslaughter (one charge)	Seven years' imprisonment, non-parole period of four and a half years	Appeal against conviction	Appeal dismissed	n/a	n/a	4 June 2015	Ashley, Beach and Kyrou JJA
<i>Atanackovic v The Queen</i> [2015] VSCA 136	Pled guilty to possessing a marketable quantity of an unlawfully imported border controlled drug (cocaine, one charge) and trafficking in a	Four years' imprisonment, non-parole period of two years and six months	Appeal against sentence	Appeal dismissed	n/a	n/a	5 June 2015	Weinberg, Kyrou and Kaye JJA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
	controlled drug (cocaine, one charge)							
<i>Pollard v The Queen</i> [2015] VSCA 138	Pleaded guilty to trafficking in a commercial quantity of a drug of dependence (various drugs, two charges), trafficking in a drug of dependence (various drugs, seven charges), possession of a drug of dependence (various drugs, two charges), possession of a schedule 4 poison (three summary charges), dealing with property suspected of being proceeds of crime (two summary	11 years' imprisonment, non-parole period of seven years and four months	Appeal against sentence	Appeal allowed	Manifest excess	Nine years and nine months' imprisonment, non-parole period of six years and six months	9 June 2015	Ashley, 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
	charges), using false document (one summary charge), possession of a schedule 9 poison (one summary charge) and using false information to facilitate the commission of an indictable offence (one summary charge)							
<i>Knowles (a pseudonym) v The Queen</i> [2015] VSCA 141	Convicted of sexual penetration of a child under 16 years (two charges) and indecent act with a child under 16 years (one charge)	Seven years' imprisonment, non-parole period of five years	Appeal against conviction	Appeal dismissed	n/a	n/a	9 June 2015	Ashley, Redlich and Priest JJA
<i>Piccolotto v The Queen</i> [2015] VSCA 143	Convicted of false imprisonment (one charge) and	Six years' imprisonment, non-parole period of three	Appeal against conviction and	Appeal against conviction allowed	Lack of fair trial	n/a	11 June 2015	Redlich, Santamaria 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
	making a threat to kill (one charge). Pleaded guilty to possession of a drug of dependence (one charge), possession of a prohibited weapon (one summary charge) and possession of cartridge ammunition without a licence/permit (one summary charge)	years and six months	sentence					
<i>Fletcher v The Queen</i> [2015] VSCA 146	Convicted of intentionally causing serious injury (one charge)	Four years and six months' imprisonment, non-parole period of three years	Appeal against conviction	Appeal dismissed	n/a	n/a	15 June 2015	Weinberg and Priest JJA and Dixon AJA
<i>Hladik v The Queen</i> [2015] VSCA 149	Pleaded guilty to persistent sexual abuse of a child under 16 (one charge),	Six years and nine months' imprisonment, non-parole period of four	Appeal against sentence	Appeal allowed	Manifest excess	Five years' imprisonment, non-parole period of three years	15 June 2015	Ashley, 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
	production of child pornography (one charge) and possession of child pornography (one charge)	year and six months						
<i>Avder v The Queen</i> [2015] VSCA 154	Convicted of recklessly causing injury (one charge). Pleaded guilty to theft (one charge)	Eight months and 14 days' imprisonment	Appeal against conviction	Appeal dismissed	n/a	n/a	16 June 2015	Ashley, Weinberg and Whelan JJA
<i>DPP v Morris</i> [2015] VSCA 155	Morris Pleaded guilty to aggravated burglary (one charge), false imprisonment (two charges), administering a drug for the purpose of sexual penetration (two charges), armed robbery (one charge) and rape (seven charges)	Morris 15 years' imprisonment, non-parole period of 11 years	Crown appeal against sentence	Appeal dismissed	n/a	n/a	18 June 2015	Ashley, Weinberg and Whelan 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 Morris</i> [2015] VSCA 155	Brooke Pleaded guilty to aggravated burglary (one charge), false imprisonment (two charges), administering a drug for the purpose of sexual penetration (two charges), armed robbery (one charge) and rape (seven charges)	Brooke 16 years and six months' imprisonment, non-parole period of 13 years	Crown appeal against sentence	Appeal dismissed	n/a	n/a	18 June 2015	Ashley, Weinberg and Whelan JJA
<i>Best v The Queen</i> [2015] VSCA 151	Pleaded guilty to false imprisonment (three charges) and being a prohibited person in possession of an unregistered firearm (one charge)	10 years' imprisonment, non-parole period of seven years and six months	Appeal against sentence	Appeal allowed	Manifest excess and failure to take into account reduction in maximum penalty	Eight years and six months' imprisonment, non-parole period of six years and six months	19 June 2015	Ashley, Redlich and Priest JJA
<i>Samuels-Orumnwense v The Queen;</i>	Samuels-Orumnwense Convicted of attempting to	Samuels-Orumnwense Five years and nine months'	Appeal against sentence and	Appeal dismissed	n/a	n/a	19 June 2015	Maxwell ACJ, Redlich and

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Osifo v The Queen</i> [2015] VSCA 152	possess a marketable quantity of a border controlled drug (heroin, one charge)	imprisonment, non-parole period of three years	conviction					Priest JJA
<i>Samuels-Orumnwense v The Queen; Osifo v The Queen</i> [2015] VSCA 152	Osifo Convicted of attempting to possess a marketable quantity of a border controlled drug (heroin, one charge)	Osifo Five years and nine months' imprisonment, global non-parole period of six and half years	Appeal against sentence	Appeal allowed	Correction of error made in calculating sentence	Five years and nine months' imprisonment, global non-parole period of six years and six months	19 June 2015	Maxwell ACJ, Redlich and Priest JJA
<i>Byrnes v The Queen</i> [2015] VSCA 157	Convicted of indecent assault (two charges) and rape (two charges). Pleaded guilty to indecent assault (fives charge)	10 years and six months' imprisonment, non-parole period of eight years	Appeal against sentence	Appeal allowed	Manifest excess	Eight years and six months' imprisonment, non-parole period of six years	19 June 2015	Priest and Beach JJA
<i>Haddara v The Queen</i> [2015] VSCA 158	Pleaded guilty to trafficking in a drug of dependence (methyldamphetamine, one charge), being a prohibited	Seven years' imprisonment, non-parole period of four years and six months	Appeal against sentence	Appeal allowed	Trial judge did not apply the correct statutory maximum with respect to a charge	Six years' imprisonment, non-parole period of three years and nine months	19 June 2015	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
	person in possession of an unregistered firearm (three charges), being a prohibited person in possession of a firearm (four charges), possessing a drug of dependence (various drugs, two charges), possessing cartridge ammunition without a licence (three summary charges), possessing protected wildlife without authorisation (one summary charge), possessing a prohibited weapon without an exemption							

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
	(three summary charges), driving whilst disqualified (two summary charges) and unlicensed driving (two summary charges)							
<i>Hopkins v The Queen</i> [2015] VSCA 174	Pleaded guilty to murder (one charge)	Life imprisonment, non-parole period of 30 years	Appeal against sentence (application for extension of time)	Appeal dismissed	n/a	n/a	19 June 2015	Ashley and Redlich JJA
<i>Portelli v The Queen</i> [2015] VSCA 159	Pleaded guilty to intentionally causing serious injury (one charge) and assaulting a police officer in the execution of duty (three charges)	11 years and six months' imprisonment, non-parole period of eight years and three months	Appeal against sentence	Appeal allowed	Discrete error	Ten years, non-parole period of seven years	22 June 2015	Maxwell ACJ, Redlich and Kyrou JJA
<i>Manariti v The Queen</i> [2015]	Pleaded guilty to recklessly causing serious	Three years and ten months'	Appeal against sentence	Appeal allowed	Discrete error	14 months' imprisonment, six years' CCO	23 June 2015	Ashley, 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
VSCA 160	injury (one charge), robbery (one charge), reckless conduct placing persons in danger of serious injury (two charges), attempted armed robbery (one charge), driving in a dangerous manner (five summary charges), resisting police (one summary charge) and assaulting police (one summary charge)	imprisonment, non-parole period of one year and four months				with conditions		
<i>Tregenza v The Queen</i> [2015] VSCA 163	Convicted of intentionally causing serious injury (one charge)	Seven years' imprisonment, non-parole period of five years	Appeal against conviction and sentence	Appeal against sentence allowed	Lack of parity with co-offender	Six years and six months' imprisonment, non-parole period of four years and three months	25 June 2015	Redlich, Weinberg and Osborn JJA
<i>Dawson v The Queen; Stewart v</i>	Dawson Pleaded guilty to armed robbery	Dawson 22 months' imprisonment	Appeal against sentence	Appeal dismissed	n/a	n/a	25 June 2015	Redlich 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>The Queen</i> [2015] VSCA 166	(one charge) and driving an unregistered motor vehicle (one summary charge)	and two year CCO						
<i>Dawson v The Queen; Stewart v The Queen</i> [2015] VSCA 166	Stewart Pleaded guilty to armed robbery (one charge), trafficking in a drug of dependence (methlyamphetamine, one charge), possessing a drug of dependence (various drugs, two charges), possessing a prohibited weapon (two summary charges), possessing a controlled weapon (one summary charge) and	Stewart 22 months' imprisonment and two year CCO	Appeal against sentence	Appeal allowed	Discrete error	22 months' imprisonment and two year CCO	25 June 2015	Redlich 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
	dealing with property suspected of being proceeds of crime							
<i>Carolan v The Queen</i> [2015] VSCA 167	Pleaded guilty to attempted sexual penetration of a child under 10 (one charge), indecent act with a child under 16 (five charges), sexual penetration of a child under 10 (two charges), false imprisonment (one charge), being a convicted sex offender and loitering (one summary charge) and possessing child pornography (one summary charge)	Indefinite sentence of imprisonment, nominal period of 14 years	Appeal against refusal to discharge indefinite sentence	Appeal allowed	Judge erred in refusing to discharge the appellant's indefinite sentence	Indefinite sentence discharged and the appellant be subject to a five year re-integration program administered by the Adult Parole Board and that a warrant to imprison be issued in respect of that period.	26 June 2015	Ashley, Redlich and Priest JJA
<i>Visser v The</i>	Visser	Visser 11	Appeal	Appeal	n/a	n/a	26 June	Weinberg,

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Queen; Falanga v The Queen</i> [2015] VSCA 168	Convicted of conspiracy to possess a commercial quantity of an unlawfully imported border controlled drug (MDMA, one charge)	years' imprisonment, non-parole period of eight years	against conviction and sentence	dismissed			2015	Priest and Beach JJA
<i>Visser v The Queen; Falanga v The Queen</i> [2015] VSCA 168	Falanga Convicted of conspiracy to possess a commercial quantity of an unlawfully imported border controlled drug (MDMA, one charge)	Falanga 23 years' imprisonment, non-parole period of 16 years and six months	Appeal against conviction and sentence	Appeal dismissed	n/a	n/a	26 June 2015	Weinberg, Priest and Beach JJA
<i>Meade v The Queen; DPP v Meade</i> [2015] VSCA 171	Convicted of murder (one charge)	23 years' imprisonment, non-parole period of 19 years	Appeal against conviction; Director appeal against sentence	Appeals dismissed	n/a	n/a	26 June 2015	Maxwell P, Redlich and Whelan JJA
<i>Luciano v The Queen</i>	Pleaded guilty to assault (one	Four years and ten months'	Appeal against	Appeal dismissed	n/a	n/a	26 June 2015	Redlich 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
[2015] VSCA 173	charge), recklessly causing injury (one charge), making a threat to kill (one charge) and arson (one charge)	imprisonment, non-parole period of three years	sentence					
<i>McGrath v The Queen</i> [2015] VSCA 176	Pled guilty to cultivation a commercial amount of a narcotic plant (cannabis, one charge), theft (one charge), possessing a drug of dependence (cocaine, one charge) and possessing a prohibited weapon (one summary charge)	32 months' imprisonment, non-parole period of 16 months	Appeal against sentence	Appeal dismissed	n/a	n/a	26 June 2015	Maxwell P, Redlich and Kyrou JJA
<i>Carrington v The Queen</i> [2015] VSCA 175	Pled guilty to aggravated burglary (one charge) and	Seven years' imprisonment, non-parole period of four	Appeal against sentence	Appeal dismissed	n/a	n/a	30 June 2015	Redlich 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
	intentionally causing serious injury (one charge)	years						



**COURT OF APPEAL
CRIMINAL APPEALS — JULY 2015**

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Constantinou v The Queen</i> [2015] VSCA 177	Convicted of murder (one charge)	24 years' imprisonment, non-parole period of 20 years	Appeal against conviction	Appeal dismissed	n/a	n/a	2 July 2015	Ashley, Weinberg and Santamaria JJA
<i>Landmark v The Queen</i> [2015] VSCA 178	Pleaded guilty to assisting an offender believed to have committed the offence of intentionally causing serious injury for the purpose of impeding the apprehension,	Two years and three months' imprisonment, non-parole period of one year and eight months	Appeal against sentence	Appeal dismissed	n/a	n/a	6 July 2015	Weinberg JA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
	prosecution, conviction or punishment of the offender (one charge)							
<i>Deng-Mabior v The Queen</i> [2015] VSCA 179	Pleaded guilty to recklessly causing serious injury (one charge)	Two years' imprisonment; two year CCO with conditions	Appeal against sentence	Appeal allowed	Failure to fix a non-parole period	Eighteen months' imprisonment; two year CCO with conditions	17 July 2015	Maxwell P, Weinberg and Kyrrou JJA
<i>Sergi v DPP (Cth) & Anor</i> [2015] VSCA 181	Pleaded guilty to trafficking in a commercial quantity of a controlled drug (MDMA, one charge), possession of a drug of dependence (MDMA, one charge), trafficking in a large commercial quantity of a drug of dependence (MDMA, one charge), possession of	12 years' imprisonment, non-parole period of 10 years	Appeal against sentence	Appeal dismissed	n/a	n/a	21 July 2015	Maxwell P, Redlich 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
	cartridge ammunition without a licence/permit (one summary charge) and driving while authorisation suspended (one summary charge)							
<i>Le v The Queen</i> [2015] VSCA 183	Pleaded guilty to trafficking in a drug of dependence in a quantity not less than a large commercial quantity (heroin, one charge)	11 years' imprisonment, non-parole period of eight years	Appeal against sentence	Appeal dismissed	n/a	n/a	21 July 2015	Redlich and Beach JJA
<i>DPP v Ghazi</i> [2015] VSCA 188	Pleaded guilty to armed robbery (five charges), attempted armed robbery (two charges), criminal damage (one	Three years' detention in a youth justice detention centre	Director's appeal against sentence	Appeal dismissed	n/a	n/a	21 July 2015	Redlich, Santamaria 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
	charge), obtaining property by deception (one charge) and possession of a controlled weapon without excuse (one summary charge)							
<i>Dalton v The Queen</i> [2015] VSCA 189	Pleaded guilty to theft (one charge) and using a false document (two charges)	Two years' imprisonment, non-parole period of one year and seven months	Appeal against sentence	Appeal dismissed	n/a	n/a	22 July 2015	Beach JA
<i>Harris v The Queen</i> [2015] VSCA 192	Pleaded guilty to criminal damage (intentionally damaging/destroying) (five charges), theft (five charges), attempted theft (one charge) and failing to answer bail (one summary charge)	Four years and five months' imprisonment, non-parole period of two years and 11 months	Appeal against sentence	Appeal dismissed	n/a	n/a	23 July 2015	Beach JA

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Sadrani v The Queen</i> [2015] VSCA 202	Pleaded guilty to indecent assault (two charges) and sexual penetration of a child under 16 (two charges)	Four years and six months' imprisonment, non-parole period of two years and nine months	Appeal against sentence	Appeal dismissed	n/a	n/a	23 July 2015	Maxwell P and Whelan JA
<i>Lomacchio v The Queen</i> [2015] VSCA 195	Pleaded guilty to obtaining property by deception (one charge), attempting to obtain property by deception (two charges) and burglary (two charges)	Three years and six months' imprisonment, non-parole period of two years	Appeal against sentence	Appeal dismissed	n/a	n/a	24 July 2015	Beach JA
<i>Adamson v The Queen</i> [2015] VSCA 194	Pleaded guilty to using a carriage service to procure a child under 16 for sexual activity (ten charges), using a carriage service to	Six years and seven months' imprisonment, non-parole period of three years and 10 months	Appeal against sentence	Appeal dismissed	n/a	n/a	28 July 2015	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
	groom a child under 16 for sexual activity (six charges), using a carriage service to transmit indecent communications to a person under 16 (two charges), producing child pornography (three charges), procuring a minor for child pornography (six charges), possessing child pornography (one charge), blackmail (two charges) and conspiracy to commit blackmail (one charge)							

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Percival v The Queen</i> [2015] VSCA 200	Convicted of aggravated burglary (one charge), threat to inflict serious injury (one charge), common assault (one charge) and criminal damage (one charge)	Three years and six months' imprisonment, non-parole period of two years	Appeal against conviction	Appeal allowed	Failure to discharge jury where interests of justice required discharge	New trial ordered	31 July 2015	Redlich, Weinberg and Osborn JJA



COURT OF APPEAL CRIMINAL APPEALS — AUGUST 2015

Case	Primary charge(s)	Sentence	Nature of appeal	Outcome of appeal	Successful ground (if any)	New sentence (if any)	Date of judgment	Bench
<i>Gladigau v The Queen</i> [2015] VSCA 204	Pled guilty to burglary (ten charges), theft (ten charges), obtaining property by deception (three charges), possessing a drug of dependence (cannabis, one charge), trespass (four summary charges) and using a drug of dependence (heroin, one	Five years' imprisonment, non-parole period of three years	Appeal against sentence	Appeal dismissed	n/a	n/a	3 August 2015	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
	summary charge)							
<i>Hicks (a pseudonym) v The Queen</i> [2015] VSCA 201	Convicted of gross indecency (three charges), indecent assault (five charges) and incest (three charges)	Four years and five months' imprisonment, non-parole period of three years and four months	Appeal against conviction	Appeal allowed	Error in trial judges' directions to jury	n/a	4 August 2015	Redlich and Whelan JJA and Croucher AJA
<i>Gianello v The Queen</i> [2015] VSCA 205	Pled guilty to dishonestly obtaining a financial advantage by deception (three charges)	Four years' imprisonment, non-parole period of two years	Appeal against sentence	Appeal dismissed	n/a	n/a	5 August 2015	Whelan and Beach JJA
<i>Scammell v The Queen</i> [2015] VSCA 206	Pled guilty to causing serious injury negligently (one charge)	27 months' detention in a youth justice centre	Appeal against sentence	Appeal allowed	Manifest excess	18 months' detention in a youth justice centre	6 August 2015	Redlich and Beach JJA

<i>Lakkis v The Queen</i> [2015] VSCA 208	Pled guilty to trafficking in a drug of dependence in an amount not less than a large commercial quantity (methylamphetamine, one charge) and trafficking in a drug of dependence (cocaine, one charge)	Eight years' imprisonment, non-parole period of six years	Appeal against sentence	Appeal dismissed	n/a	n/a	7 August 2015	Whelan and Beach JJA
<i>Wilson v The Queen</i> [2015] VSCA 211	Convicted of armed robbery (one charge). Pled guilty to possession of a drug of dependence (OxyContin, one charge)	Three years and four months' imprisonment, non-parole period of two years and three months	Appeal against conviction and sentence	Appeal against conviction and appeal against sentence allowed	Trial judge did not apply the correct statutory maximum; miscarriage of justice	Convicted and discharged (possession of a drug of dependence charge); new trial ordered (armed robbery charge)	11 August 2015	Weinberg and Kyrou JJA and Croucher AJA
<i>Gerbing v The Queen; Croughan v The Queen</i> [2015] VSCA 209	Gerbing Pled guilty to robbery (one charge)	Gerbing 18 months' imprisonment, non-parole period of 12 months	Appeal against sentence	Appeal dismissed	n/a	n/a	12 August 2015	Whelan and Beach JJA
<i>Gerbing v</i>	Croughan	Croughan	Appeal	Appeal	n/a	n/a	12 August	Whelan and

<i>The Queen; Croughan v The Queen</i> [2015] VSCA 209	Convicted of armed robbery (one charge). Pleaded guilty to theft (one charge)	Four years and six months' imprisonment, non-parole period of three years	against sentence	dismissed			2015	Beach JJA
<i>Simpson v The Queen</i> [2015] VSCA 210	Pleaded guilty to negligently causing serious injury (one charge), dangerous driving while pursued by police (one charge), failing to render assistance after a motor vehicle accident (one charge), being a prohibited person in possession of a firearm (one charge), possession of a drug of dependence (methylamphetamine, one charge), committing an indictable	Six years and six months' imprisonment, non-parole period of four years and three months	Appeal against sentence	Appeal dismissed Error as to licence suspension, arising from slip or omission, corrected	n/a	n/a	12 August 2015	Whelan and Beach JJA

	offence on bail (one summary charge), dealing with property suspected of being the proceeds of crime (one summary charge), possessing cartridge ammunition without a licence (one summary charge) and driving whilst licence suspended (one summary charge)							
<i>Dawn-Manuel v The Queen</i> [2015] VSCA 212	Pled guilty to obtaining financial advantage by deception (three charges), attempting to obtain financial advantage by deception (three charges), possession of identification information (one	Seven years' imprisonment, non-parole period of five years	Appeal against sentence	Appeal allowed	Specific error	Six years' imprisonment, non-parole period of four years and six months	12 August 2015	Whelan and Beach JJA

	charge), possession of a controlled weapon without excuse (one summary charge) and dealing in property suspected of being the proceeds of crime (one summary charge)							
<i>Saeidi v The Queen</i> [2015] VSCA 219	Convicted of false imprisonment (one charge), indecent assault (three charges) and rape (one charge)	Four years and six months' imprisonment, non-parole period of two years and six months	Appeal against conviction	Appeal dismissed	n/a	n/a	21 August 2015	Warren CJ, Redlich JA and Croucher AJA
<i>Tognolini v The Queen</i> [2015] VSCA 222	Convicted of blackmail (nine charges), arson (three charges), threatening to damage property (one charge) and indecent assault (one charge). Pleaded guilty to	12 years' imprisonment, non-parole period of eight years	Petition for mercy	Appeal dismissed	n/a	n/a	24 August 2015	Maxwell P, Redlich and Beach JJA

	assault (one charge)							
<i>Taumoefola v The Queen</i> [2015] VSCA 221	Pled guilty to trafficking in a drug of dependence (various drugs, three charges) and possession of a prohibited weapon (one summary charge)	Five years' imprisonment, non-parole period of three and a half years	Appeal against sentence	Appeal dismissed	n/a	n/a	25 August 2015	Hansen, Whelan and Beach JJA
<i>Higgs v The Queen</i> [2015] VSCA 223	Convicted of conspiring to possess a commercial quantity of an unlawfully imported border controlled drug (MDMA, one charge)	18 years' imprisonment, non-parole period of 14 years	Appeal against sentence and conviction	Appeal dismissed	n/a	n/a	26 August 2015	Osborn, Priest and Beach JJA
<i>Ashweirth v The Queen</i> [2015] VSCA 224	Pled guilty to aiding and abetting trafficking a drug of dependence (methylamphetamine, one charge), attempting to traffick a drug of dependence	Six months' imprisonment, and three year CCO with conditions	Appeal against sentence	Appealed allowed	Lack of parity with co-offenders	Three year CCO with conditions	26 August 2015	Priest and Beach JJA

	(amphetamines, one charge), knowingly dealing with proceeds of crime (two charges), possession of a drug of dependence (amphetamines, one charge) and possessing an unregistered firearm (one charge)							
<i>Graeske v The Queen</i> [2015] VSCA 229	Pled guilty to recklessly causing serious injury (one charge)	Three years' imprisonment, non-parole period of two years	Appeal against sentence	Appeal allowed	Specific error	One year's imprisonment, three year CCO with conditions	28 August 2015	Maxwell P and Whelan JA