

DIRECTOR OF PUBLIC PROSECUTIONS

Appellant

and

ALEXANDER JOHN SEMAAN

Respondent

**NOTICE OF APPEAL**

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Date of document:	2 December 2016
Filed on behalf of:	Appellant
Prepared by:	Solicitor's code: 7539
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	Reference: 1406345
	M. Thompson

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**To: Alexander John Semaan**

**And to: The Registrar of the Court of Appeal**

1. On 6 September 2016 the respondent was found guilty of the following charge in the Supreme Court at Melbourne:

Charge Number	Offence
1	Murder
Summary Charge	Breach of Parole

2. On 4 November 2016 the Respondent was sentenced as follows:

- On charge 1: 22 years' imprisonment
- On summary charge: 2 months' imprisonment. Cumulative.

Total effective sentence of 22 years' and 2 months' imprisonment.

A non-parole period of 18 years.

TAKE NOTICE that I, JOHN ROSS CHAMPION, Senior Counsel and Director of Public Prosecutions for the State of Victoria, pursuant to section 287 of the *Criminal Procedure Act 2009* –

- (a) consider that there is an error in the sentence imposed and that a different sentence should be imposed; and
- (b) am satisfied that an appeal should be brought in the public interest.

I now give you Notice of Appeal to the Court of Appeal in respect of the sentence passed upon you on 4 November 2016 in the Supreme Court at Melbourne.

#### **GROUND OF APPEAL**

1. The sentence imposed was manifestly inadequate.

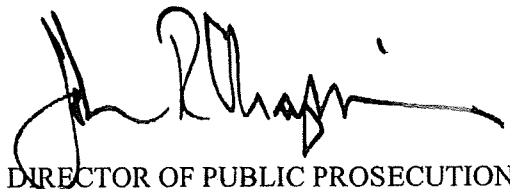
In fixing the sentence set out above in this Notice of Appeal, the sentencing Judge –

- (a) Failed to give sufficient weight to the objective gravity of the offending;
- (b) failed to give sufficient weight to the seriousness of the offence;
- (c) failed to give sufficient weight to the protection of the community;
- (d) failed to adequately characterise this offence as a serious example of the offence of murder;
- (e) failed to give sufficient weight to the principles of general deterrence, punishment, and denunciation;
- (f) failed to give sufficient weight to the consequences of the offence;
- (g) failed to have sufficient regard to the maximum penalties prescribed for the offence;
- (h) failed to give sufficient weight to the absence of remorse;
- (i) failed to give sufficient weight to the poor prospects of rehabilitation;

- (j) failed to adequately give appropriate weight to the prior history of offending of the respondent, his status as a parolee and that he should not have been in possession of a firearm
- (k) failed to give appropriate weight to the protection of the community;
- (l) gave excessive weight to factors in mitigation; and
- (m) failed to regard the respondent's post offence conduct as a significant aggravating feature that was relevant to moral culpability.

2. The learned sentencing judge erred in failing to find that the post offence conduct of the respondent, in inventing an account, taking steps to falsify the crime scene to promote this account and enlisting the assistance of others to further this and pressure the main witness to change his statement, amounted to an aggravating feature that impacted on moral culpability.

DATED: 2 December 2016



DIRECTOR OF PUBLIC PROSECUTIONS

**PARTICULARS**

APPELLANT'S NAME:                   **DIRECTOR OF PUBLIC PROSECUTIONS**

RESPONDENT'S NAME:               **ALEXANDER JOHN SEMAAN**

OFFENCES:

<b>Charge Number</b>	<b>Offence</b>
1.	Murder
Summary Charge	Breach Parole

CONVICTED AT:                       Melbourne

JUDGE:                                 Justice Beale

DATE OF SENTENCE:               4 November 2016

TOTAL EFFECTIVE SENTENCE: 22 years' and 2 months' imprisonment  
Non-parole period of 18 years

A copy of the Indictment upon which the Respondent was tried is annexed hereto as "A".

**IMPORTANT NOTES**

1. You may be present on the hearing of the appeal if you wish. If you do wish to be present, you should notify the Registrar of the Court of Appeal in writing.
2. The Court of Appeal will, if you wish, consider your case and argument in writing, instead of an oral presentation. If you wish to present your case and argument in writing, set out your case and argument fully.