

**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** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| *McDonald v the Queen* [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 |
| *Monaghan v the Queen* [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 |
| *Jose v the Queen* [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 |
| *Pasznyk v the Queen* [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 |
| *Avery v the Queen* [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 |
| *Haidari v the Queen* [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 |
| *Patrick (a pseudonym) v the Queen* [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 |
| *Dao v the Queen;**Tran v the Queen* [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 |
| *Dao v the Queen;**Tran v the Queen* [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 |
| *O’Connor v the Queen* [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 |
| *O’Brien (a pseudonym) v the Queen* [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 |
| *Taleb v the Queen* [2014] VSCA 96 | Pleaded 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 |
| *Pasinis v the Queen* [2014] VSCA 97 | Pleaded 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 |
| *Haddara v the Queen* [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 |
| *Kumar v the Queen* [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 |
| *Jomaa v the Queen* [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** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| *Fram v the Queen*[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]](#footnote-1) | Dismissed | N/A | N/A | 2 June 2014 | Weinberg and Santamaria JJA |
| *King v the Queen*[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 inflictserious 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 |
| *Ulutui v the Queen*[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 |
| *Warwick v the Queen*[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 |
| *Haydar Ali v the Queen;**Billal Ali v the Queen;**Badr Ali v the Queen*[2014] VSCA 117 | Pleaded guilty to common law assault (three charges) and recklessly causing serious injury (one charge); Convicted of blackmail (one charge), kidnapping (one charge), robbery (two charges) and make threat to kill (one charge);**Haydar Ali**: also pleaded guilty to robbery (two charges) and common law assault (one charge);**Billal Ali**: also pleaded guilty to possessing a drug of dependence (one charge) | **Haydar Ali**: Five years nine months’ imprisonment, non-parole period three years six months;**Billal Ali**: Five years’ imprisonment, non-parole period of three years;**Badr Ali**: Five years’ imprisonment, non-parole period of three years | Appeal against conviction[[2]](#footnote-2) | Dismissed | N/A | N/A | 16 June 2014 | Maxwell ACJ and Tate and Beach JJA |
| *Mathis (a pseudonym) v the Queen*[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 |
| *DPP (Cth) v Thai*[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 |
| *Marrah v the Queen*[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 |
| *Velkoski v the Queen*[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 |
| *DPP v Costa*[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 |
| *Zhou v the Queen*[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 |
| *Rich v the Queen*[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 |
| *DPP (Cth) v Peng*[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 |
| *Evison v the Queen*[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 |
| *DPP v Vella;**DPP v Ray*[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 |
| *Saner v the Queen;**Kamal v the Queen*[2014] VSCA 134 | **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)**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) | **Saner**: Six years six months’ imprisonment, non-parole period of four years**Kamal**: Seven years three months’ imprisonment, non-parole period of five years | Appeal against sentence | Allowed for both | **Saner**: Sentence manifestly excessive; parity with co-offender despite differing circumstance of offending; failure to make explicit any discount for cooperation**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 | **Saner**: Five years nine months’ imprisonment, non-parole period of three years six months**Kamal**: Six years three months’ imprisonment, non-parole period of four years three months | 27 June 2014 | Redlich and Tate JJA |
| *Tasevski v the Queen*[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** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| *Reid (a Pseudonym) v the Queen*[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 |
| *Power v the Queen* [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 |
| *Ayol v the Queen* [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 |
| *Kurt v the Queen*[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 |
| *Wagner v the Queen* [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 |
| *Leddin v the Queen* [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 |
| *Sinn v the Queen*[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 |
| *Booysen v the Queen*[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 |
| *McPhee v the Queen* [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 |
| *Mifsud v the Queen* [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 |
| *Miletto v the Queen* [2014] VSCA 161 | Pleaded guilty to trafficking not less than a commercial drug of dependence (methylamphetamine, 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 |
| *Farah v the Queen* [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** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| *Gale v the Queen* [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 |
| *Fernandez v the Queen* [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 |
| *Xibberas v the Queen* [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 |
| *Blair (a pseudonym) v the Queen* [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 |
| *McNaughton v the Queen* [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 |
| *Walker v the Queen* [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 |
| *Allen v the Queen* [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 |
| *Hendricks v the Queen* [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 |
| *Giles v the Queen* [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 |
| *Mike Hanna v the Queen; Mohamed Mohamed v the Queen; Ahmed Mohamed v the Queen* [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 |
| *Mike Hanna v the Queen; Mohamed Mohamed v the Queen; Ahmed Mohamed v the Queen* [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 |
| *Mike Hanna v the Queen; Mohamed Mohamed v the Queen; Ahmed Mohamed v the Queen* [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 |
| *Lewis v the Queen* [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 *Corporations Act 2001* (Cth) (one charge) | 12 months’ suspended sentence | Appeal against conviction | Dismissed | N/A | N/A | 26 August 2014 | Maxwell P, Weinberg and Kyrou JJA |
| *Saleem v the Queen* [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 |
| *Pilgrim v the Queen* [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 |
| *Curypko v the Queen* [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 |

1. Application for leave by election, pursuant to s 315 of the *Criminal Procedure Act 2009* (Vic). [↑](#footnote-ref-1)
2. Application for leave by election, pursuant to s 315 of the *Criminal Procedure Act 2009* (Vic). [↑](#footnote-ref-2)