

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COURT OF APPEAL
(CRIMINAL DIVISION)

BETWEEN:

ALEXANDER JOHN SEMAAN

Applicant

and

THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

NOTICE OF APPLICATION FOR LEAVE TO APPEAL AGAINST
CONVICTION

Date of Document:	28 March 2017
Filed on behalf of:	The Applicant
Prepared by:	Solicitors Code: 7232
VALOS BLACK & ASSOCIATES	Telephone: (03) 9670 4333
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<u>Melbourne VIC 3000</u>	Our Ref: JV:NV:16290

To the Registrar of Criminal Appeals:

I, ALEXANDER JOHN SEMAAN, am convicted of the offence of abduction, false imprisonment, rape and aggravated rape and I am a prisoner at Loddon.

I WISH TO APPEAL to the Court of Appeal under section 274 of the Criminal Procedure Act 2009 against my conviction (particulars of which are set out below).

TAKE NOTICE that I apply to the Court of Appeal for leave to appeal against my conviction on the ground(s):

Ground 1: The learned trial judge erred in ruling the previous representations made by Youssef Khoury (“Khoury”) to police officers Seddon and Kerr, were admissible (Rulings 8 and 9) and further erred in ruling neither s.137 nor the “Haddara” discretion were engaged.

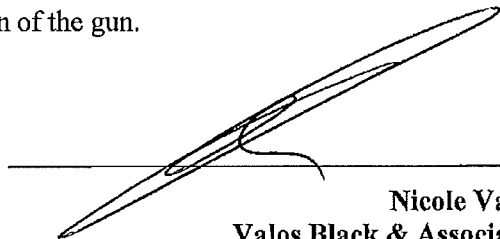
Ground 2: The judge erred in ruling the previous representation by Margaret Khoury (“Margaret”) to Noelle Semaan (“Noelle”) was admissible (Ruling 10) and further erred in ruling neither s.137 nor the “Haddara” discretion were engaged.

Ground 3: The judge erred in ruling the previous representation of Noelle Semaan (“Noelle”) to police officer Cunha (“Cunha”) was admissible (Ruling 10) and further erred in ruling neither s.137 nor the “Haddara” discretion were engaged.

Ground 4: The judge erred in failing to give adequate directions of law concerning “unreliable evidence” as follows:

- (a) in relation to the unreliable evidence direction the same was expressed by way of ‘routine’ or ‘formality’ with a risk arising the jury would minimize the importance of the direction;
- (b) whilst the said direction was to be given concerning witnesses Khoury, Margaret, Noelle and others, the specific direction given omitted a reference to Khoury;
- (c) the direction should have included a direction that the jury were not to reason any of witnesses Khoury, Margaret and Noelle had been ‘got at’ etc. by the accused;
- (d) the direction failed to identify the representation of Noelle was admitted solely for the limited purpose that Margaret had made the representation to her and not in proof of the truth that Alex was in possession of the gun.

Date: 28 March 2017



Nicole Valos
Valos Black & Associates
Solicitors for the Applicant

PARTICULARS

1. Appellant's name: Mr Alexander John Semaan
2. Offence for which convicted and in relation to which it is sought to appeal: Murder

- 3. Convicted at: Supreme Court of Victoria
- 4. Trial Judge: Justice Beale
- 5. Date of conviction: 6 September 2016
- 6. Sentence: 22 years and 2 months imprisonment, with a non-parole period of 18 years imprisonment
- 7. Date of sentence: 4 November 2016
- 8. Name and address of legal practitioner who represented appellant at trial: Ms Sandra Gaunt, *Valos Black and Associates*
- 9. Name of counsel (if any) who represented appellant at trial: Mr Michael Sharpley

WRITTEN CASE MUST BE ATTACHED

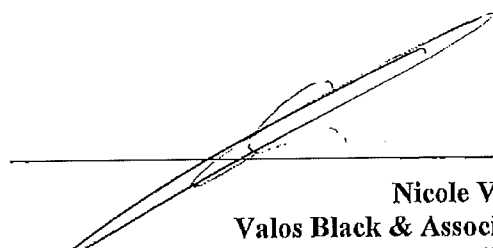
- 1. This application for leave to appeal must be accompanied by a written case in support of the application.
- 2. A written case must comply with the requirements of any applicable practice direction. Practice directions may be viewed at, and downloaded from, the website of the Supreme Court of Victoria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

ORAL HEARING OPTION

- I wish to have an oral hearing of my application X
- I will be represented at the oral hearing by: Counsel X
- Solicitor
- Myself

I wish to appear by audio visual link at the oral hearing.

Date: 8 March 2017



Nicole Valos
Valos Black & Associates
 Solicitors for the Applicant

NOTES TO APPELLANT—ORAL HEARING OPTION:

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