

Supreme Court (Criminal Procedure) Rules 2008
Rule 2.05(2)

FORM 6-2B

**IN THE SUPREME COURT OF VICTORIA
COURT OF APPEAL
(CRIMINAL DIVISION)**

STEPHEN WILLIAM NICHOLSON

v

DIRECTOR OF PUBLIC PROSECUTIONS

**NOTICE OF APPLICATION FOR LEAVE TO APPEAL
AGAINST SENTENCE**

Date of document: 8 January 2017	Solicitor Code: 101307
Filed on behalf of the Applicant	Tel: (03) 9329 4433
Greg Thomas, Barrister & Solicitor	Fax: (03) 9329 4453
2/469 King Street	Email: caitlin@gregthomas.com.au
WEST MELBOURNE VIC 3003	Ref: 15GT487

To the Registrar of Criminal Appeals:

I, **Stephen William Nicholson**, am convicted of the offence of knowingly deal with proceeds of crime (and others) and am a prisoner at Port Phillip Prison.

I WISH TO APPEAL to the Court of Appeal under section 278 of the Criminal Procedure Act 2009 against my sentence (particulars of which are set out below).

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

Ground 1: The sentencing judge erred by ordering that the entirety of the 'total effective sentence' imposed in relation to the charges on Indictment No: E13973880 be served cumulatively to the entirety of the 'total effective sentence' imposed in relation to the charges on Indictment No: F13147832. That order:

- (a) Offended the principle of totality; and
- (b) Led to the imposition of an overall "total effective sentence" (4 years 7 months imprisonment) that is manifestly excessive.

Date: 8 January 2017



Caitlin Blakeney

Greg Thomas, Barrister & Solicitor

Lawyer for Stephen William Nicholson

The name and address for service are as follows:

Greg Thomas, Barrister & Solicitor
2/469 King Street
WEST MELBOURNE VIC 3003

PARTICULARS

- 1. Applicant's Name: Stephen William Nicholson

- 2. Offence for which convicted and in relation to which it is sought to appeal:

Knowingly deal with proceeds of crime (x 7); Obtain property by deception (x 7); Burglary (x 2); Theft (x 3); Contravening a conduct condition of bail (x 1); Committing an indictable offence on bail (x 1)

- 3. Convicted at: County Court of Victoria

- 4. Sentencing Judge: Judge Parsons

- 5. Date of conviction: 16 November 2016

6. Sentence: 4 years 7 months imprisonment, with a non-parole period of 3 years fixed

7. Date of sentence: 16 November 2016

8. Name and address of legal practitioner who represented applicant at trial:

Greg Thomas, Barrister & Solicitor
2/469 King Street
WEST MELBOURNE VIC 3003

9. Name of counsel (if any) who represented applicant at trial:

Bill Grimshaw, Greg Thomas, Kristi Pemmelaar and Caitlin Blakeney

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 do not wish to have an oral hearing of my application

I will be represented at the oral hearing by: _____ Counsel

_____ Solicitor

_____ Myself

I do not wish to be present personally at the oral hearing.

Date: 8 January 2017



Caitlin Blakeney

Greg Thomas, Barrister & Solicitor

Lawyer for Stephen William Nicholson

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.

IMPORTANT NOTE

You should be aware that the Court of Appeal has the power under the **Criminal Procedure Act 2009** to impose a sentence which is more or less severe than the sentence which is appealed against.