

Supreme Court (Criminal Procedure) Rules 2008
Rule 2.05(1)

FORM 6-2A

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

DWAYNE MICHAEL BYRNE

-v-

DIRECTOR OF PUBLIC PROSECUTIONS

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

Date of document: 4 January 2017	Solicitor Code: 1213
Filed on behalf of the Applicant	Tel: (03) 9489 0900
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422 High Street	Email: patrickdwyer@optusnet.com.au
NORTHCOTE VIC 3070	Ref: PWD:CM:17078

To the Registrar of Criminal Appeals:

I, **Dwayne Michael Byrne**, am convicted of the offence of attempted murder and am a prisoner at Barwon Prison.

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 verdict of the jury on the charge of attempted murder is unreasonable or cannot be supported having regard to the evidence.

Date: 4 January 2017



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Patrick Dwyer
Patrick W Dwyer – Barrister & Solicitor
Lawyer for Dwayne Michael Byrne

The name and address for service are as follows:

Patrick W Dwyer – Barrister & Solicitor
422 High Street
NORTHCOTE VIC 3070

PARTICULARS

1. Applicant's Name: Dwayne Michael Byrne

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

Attempted murder

3. Convicted at: Supreme Court of Victoria

4. Sentencing Judge: Justice John Dixon

5. Date of conviction: 22 June 2016

6. Sentence: 12 years imprisonment, with a non-parole period of 9 years
imprisonment fixed

7. Date of sentence: 28 September 2016

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

Simon Moodie
Lawyer
Stary Norton Halphen
333 Queen Street
MELBOURNE VIC 3000

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

Scott Johns of Counsel

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 wish to have an oral hearing of my application

I will be represented at the oral hearing by:

Counsel	<input checked="" type="checkbox"/>
Solicitor	<input type="checkbox"/>
Myself	<input type="checkbox"/>

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

Date: 4 January 2017



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Patrick Dwyer

Patrick W Dwyer – Barrister & Solicitor

Lawyer for Dwayne Michael Byrne

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.