

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

FORM 6-2B

IN THE SUPREME COURT OF VICTORIA 2017 No.
AT MELBOURNE
COURT OF APPEAL
(CRIMINAL DIVISION)

Sam LISZCZAK

v.

THE QUEEN

Date of document: 24 April 2017	Indictment No: C1510274.A.1
Filed on behalf of the Applicant	Solicitor Code: 107351
Paul Vale Criminal Law	Tel: (03) 9642 3088
Ground Floor, 572 Lonsdale Street	Fax: (03) 9642 3000
MELBOURNE VIC 3000	Email: sarah.pratt@valecrimlaw.com.au

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

To the Registrar of Criminal Appeals:

I, **Sam Liszczak** am convicted of the offence of attempted arson, theft of motor car, prohibited person possess firearm, criminal damage, recklessly causing injury, reckless conduct endangering serious injury, and arson of car and I am a prisoner at Barwon 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 learned sentencing judge erred in doubly punishing the applicant in respect of charges 2 (reckless conduct endangering person) and 3 (recklessly cause injury) on Indictment C1510274.A.1

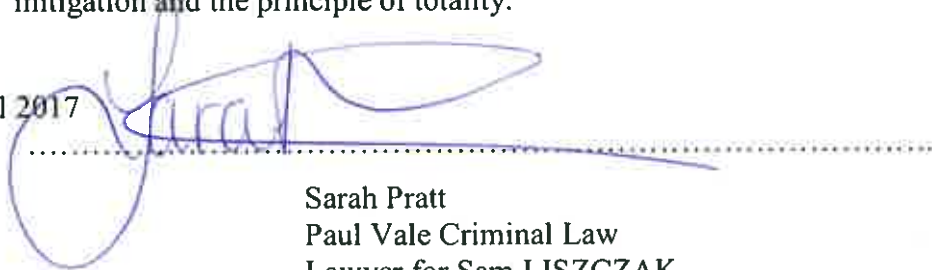
Ground 2:

The individual sentences on charges 1, 2 and 3 on Indictment C1510274.A.1, orders for cumulation on charges 1 and 2 on Indictment C1510274.A.1, total effective sentence and non-parole period fixed are each manifestly excessive.

Particulars:

- (a) The learned sentencing judge gave too much weight to the circumstances in which the damage arose in respect of charge 1.
- (b) The learned sentencing judge gave too much weight to the circumstances of the offences and insufficient weight to the maximum penalties, in respect of charges 2 and 3; and the risk appreciated by the applicant in respect of charge 2.
- (c) The learned sentencing judge gave insufficient weight to the factors in mitigation and the principle of totality.

Date: 24 April 2017



Sarah Pratt
Paul Vale Criminal Law
Lawyer for Sam LISZCZAK
Ground Floor, 572 Lonsdale Street
MELBOURNE VIC 3000

PARTICULARS

- 1. Appellant's name: Sam LISZCZAK
- 2. Offence for which convicted and in relation to which it is sought to appeal:
 - Attempted Arson (2 charges)
 - Theft of a Motor Car
 - Prohibited Person possess Firearm
 - Criminal Damage
 - Recklessly Causing Injury
 - Reckless Conduct Endangering Serious Injury
 - Arson of Motor Car
- 3. Convicted at: Supreme Court of Victoria at Melbourne
- 4. Sentencing Judge: Judge Croucher
- 5. Date of conviction: 21 July 2015

6. Sentence: Total effective sentence of 7 years and 10 months imprisonment with non-parole period of 6 years
7. Date of sentence: 14 March 2017
8. Name and address of legal practitioner who represented appellant at trial:

Sarah Pratt & Caroline Salter
Paul Vale Criminal Law
Lawyers for Sam LISZCZAK
Ground Floor, 572 Lonsdale Street
MELBOURNE VIC 3000

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

Mr David Hallowes QC
Ms Kelly McKay

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

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

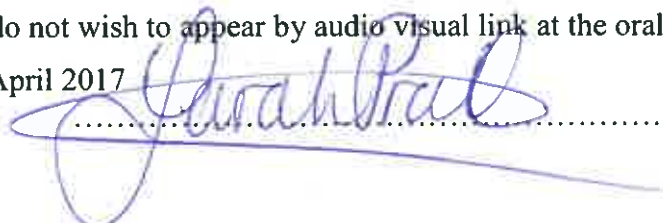
_____ Solicitor

_____ Myself

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

I *wish/*do not wish to appear by audio visual link at the oral hearing.

Date: 24 April 2017


.....

Sarah Pratt
Paul Vale Criminal Law
Lawyer for Sam LISZCZAK
Ground Floor, 572 Lonsdale Street
MELBOURNE VIC 3000

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.
