

2.05(2)

FORM 6-2B

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE

CASE NO:

B E T W E E N :

THE QUEEN

-AND-

RODNEY PHILLIPS

NOTICE OF APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE

To the Registrar of Criminal Appeals:

I, Rodney Phillips, am convicted of two charges of attempted arson, one charge of theft of motor vehicle, one charge of being a prohibited person in possession of a firearm, one charge of criminal damage to property, one charge of reckless conduct endangering person, one charge of recklessly causing injury, and one charge of arson. I am currently in custody.

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):

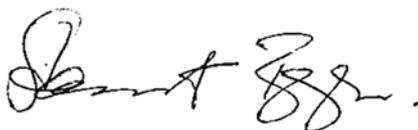
Ground 1: The individual sentences imposed on each of –

- Charges 1, 2, 3 and 4 on Indictment C1510274.A.1
- Charge 3 on Indictment C1510274.B

and the orders for cumulation as between those sentences are manifestly excessive, resulting in a head sentence and non-parole period that are also manifestly excessive.

Ground 2: The learned sentencing judge erred by doubly punishing the applicant as between charges 2 and 3 on Indictment C1510274.A.1.

Date: 11 April 2017



Signed by legal practitioner on behalf of Appellant

The name and address for service are as follows:
Bridget Coath
Pica Criminal Lawyers
Level 1, 572 Lonsdale Street
MELBOURNE VIC 3000

PARTICULARS

1. Appellant's name: Rodney Phillips
2. Offence for which convicted and in relation to which it is sought to appeal: One charge of theft of motor vehicle, one charge of criminal damage to property, one charge of reckless conduct endangering person, one charge of recklessly causing injury, and one charge of arson
3. Convicted at: Supreme Court of Victoria at Melbourne
4. Sentencing Judge: His Honour Justice Croucher
5. Date of conviction: 06 February 2017
6. Sentence: Total Effective Sentence – 8 years with a non-parole period of 6 years and 2 months.
7. Date of sentence: 14 March 2017
8. Name and address of legal practitioner who represented appellant at trial: Bridget Coath
Pica Criminal Lawyers
Level 1, 572 Lonsdale Street
MELBOURNE VIC 3000
9. Name of counsel (if any) who represented appellant at trial: Stewart Bayles

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

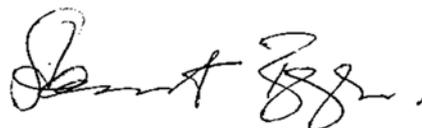
Myself

[please tick appropriate boxes]

I (PROMPT; wish/do not wish) to be present personally at the oral hearing.

~~I (PROMPT; wish/do not wish) to appear by audio visual link at the oral hearing.~~

Date: 11 April 2017



Signed by legal practitioner on behalf of Appellant

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.

* Delete if not applicable