

IN THE SUPREME COURT OF VICTORIA 2016 No.
AT MELBOURNE

The Queen

v.

Hai Duc Nguyen

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

Date of document:	29 November 2016
Filed on behalf of:	The Applicant
Prepared by:	
Haines & Polites	Tel: (03) 9670 5085
Barristers & Solicitors	Fax: (03) 9670 4737
Level 14	
461 Bourke Street	Contact: Charles Nikakis
Melbourne, Vic, 3000	Email: cnikakis@hplaw.com.au

To the Registrar of Criminal Appeals:

I, Hai Duc Nguyen am convicted of the offences Trafficking a Large Commercial Quantity of a Drug of Dependence, one charge of Trafficking a Commercial Quantity of a Controlled Substance, three charges of Trafficking a Drug of Dependence, Trafficking a Commercial Quantity of a Drug of Dependence, and one charge of Knowingly Deal With Proceeds of Crime and I am a prisoner at Margoneet Correctional Facility.

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:

1. That the sentence imposed on Charge 1 is demonstrates disparity with the sentence imposed on a co-accused.
2. That the Learned Sentencing Judge erred in taking into account an unproved prior conviction in imposing sentence.
3. That the sentence imposed is manifestly excessive.

Date: 29 November 2016



Adrian Brennan
Haines & Polites
Solicitors for the applicant

The name and address for service are as follows:

Haines and Polites Solicitors
Level 14, 461 Bourke Street
MELBOURNE VIC 3000

PARTICULARS

1. Appellant's name: Hai Duc Nguyen
2. Offence for which convicted and in relation to which it is sought to appeal:
Trafficking Large Commercial Quantity of a Drug of Dependence; Trafficking
Commercial Quantity of Controlled Drug; 3x Trafficking a Drug of Dependence;
Trafficking a Commercial Quantity of a Drug of Dependence; Knowingly Dealing
With Proceeds of Crime
3. Convicted at: County Court of Victoria at Melbourne
4. Sentencing Judge: Her Honour Judge Douglas
5. Date of conviction: 25 August 2016
6. Sentence: 16 years imprisonment; 12 year non-parole period
7. Date of sentence: 25 October and 2 November 2016
8. Name and address of legal practitioner who represented appellant at trial: Haines
and Polites, Level 14, 461 Bourke Street MELBOURNE 3000, Ph (03) 9670 5085,
email: cnikakis@hplaw.com.au
9. Name of counsel (if any) who represented appellant at trial: Mr. A.J. Patton

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 to be present personally at the oral hearing.

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

Date: 29 November 2016



Adrian Brennan
Haines & Polites
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.

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.
