

Rule 2.05(1)

**FORM 6-2A**

IN THE SUPREME COURT OF VICTORIA 20 No.  
AT MELBOURNE

THE QUEEN

v.

DIMI SOVOLOS

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

To the Registrar of Criminal Appeals:

I, Dimi Sovolos, am convicted of the offences of aggravated burglary, reckless conduct endangering life and intentionally causing injury and I am a prisoner at Marngoneet Correctional Centre.

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 grounds:

**Ground 1 – Ground 1 – the verdicts of guilty are unreasonable and unsupported by the evidence.**

**PARTICULARS:**

- a) **On the whole of the evidence, it was not open to the jury to be satisfied beyond reasonable doubt of the applicant's guilt.**
- b) **On the whole of the evidence, it was not open to the jury to entertain a doubt in relation to the two co-accused, but not entertain such a doubt in relation to the applicant.**
- c) **The verdicts are unsafe, by reason of the Learned Trial Judge having given a forensic disadvantage direction favourable to the two co-accused.**

Date: 15 June 2017



[Signed the legal practitioner on behalf of Appellant]

The name and address for service are as follows:

Dr Michael FitzGerald  
Level 5, 250 Queen Street  
Melbourne VIC 3000  
Ph: (03) 9038 0277  
Fax: (03) 9600 0721  
Email: michael@martinemarich.com.au

### **PARTICULARS**

1. Appellant's name: Dimi Sovolos
2. Offence for which convicted and in relation to which it is sought to appeal:
  - Charge 1: aggravated burglary
  - Charge 2: reckless conduct endangering life
  - Charge 3: intentionally causing injury
3. Convicted at: County Court at Melbourne
4. Trial Judge: Judge Stuart
5. Date of conviction: 3 March 2017
6. Sentence:
  - Total effective sentence on all charges: 9 years and 3 months
  - Minimum period before parole eligibility: eligible for parole on 1 May 2022
7. Date of sentence: 18 May 2017
8. Name and address of legal practitioner who represented appellant at trial:
  - Dr Martine Marich and Associates
  - Level 5, 250 Queen Street
  - Melbourne VIC 3000
9. Name of counsel (if any) who represented appellant at trial:
  - Dr Martine Marich

### **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](http://www.supremecourt.vic.gov.au).

### ORAL HEARING OPTION

I wish to have an oral hearing of my application  YES  NO

Date: 15 June 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.

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\* Delete if not applicable