

IN THE SUPREME COURT
OF VICTORIA
AT MELBOURNE

Peter Madul

and

DPP (Vic)

APPLICATION FOR LEAVE TO
APPEAL – CONVICTION

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SUPREME COURT (CHAPTER 6 AMENDMENT NO. 6) RULES 2011

FORM 6-2B

IN THE SUPREME COURT
OF VICTORIA
AT MELBOURNE
COURT OF APPEAL
(CRIMINAL DIVISION)

No. of 2017

Peter Madul

-v-

Director of Public Prosecutions (Vic)

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

TO: THE REGISTRAR, COURT OF APPEAL

I, Peter Madul am convicted of the offences Aggravated Burglary (x 2), Attempted Armed Robbery and Theft (x 3) and I 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 conviction (particulars of which are set out below).

TAKE NOTICE that I apply to the Court of Appeal for leave to appeal against conviction on the grounds

1. The verdicts on Charges 1 to 6 are unsafe and unsatisfactory

Particulars:

- (i) The Prosecution case at Trial was that an inference could be drawn that the person who entered the homes at 3 and 17 Sedgwick Drive, Lynbrook was the Applicant; and
- (ii) The inference that the Prosecution contended for was not available.

Dated this 13th day of November, 2017

A handwritten signature in blue ink, appearing to read 'Emma Turnbull', is enclosed in a light blue rectangular box.

Emma Turnbull

Legal Practitioner for the Applicant

PARTICULARS

1. Applicant's name: Peter Madul

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

Aggravated Burglary (x 2), Attempted Armed
Robbery and Theft (x 3)

3. Convicted at: Melbourne County Court

4. Sentencing Judge: His Honour Judge O'Connell

5. Date of Conviction: 28th August, 2017

6. Sentence imposed: 5 years and six months imprisonment, with
a non parole period of 3 years and 3
months

7. Date of sentence: 19th October, 2017

8. Name and address of Solicitor who represented Appellant at Trial:

Turnbull Lawyers

9. Name of Counsel (if any) who represented Appellant at Trial:

Mr Christopher Pearson

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 not wish to have an oral hearing of my application.

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

Dated this 13th day of November, 2017



Emma Turnbull

Legal Practitioner 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 the 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.