



Friday, 13 December 2019

Weekly Criminal Law

A Weekly Bulletin listing Decisions
of Superior Courts of Australia covering criminal

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Executive Summary

Musa v R (NSWCCA) - criminal law - applicant convicted of 'supply of a prohibited drug' - applicant granted leave to appeal against conviction on one ground alleging unreasonable verdict - appeal dismissed

El Ali v R (No 2) (NSWCCA) - criminal law - Court dismissed applicant's appeal against convictions for 'conspiracy to possess more than three firearms' and 'knowingly taking part in the sale of a firearm on three or more occasions in a 12 month period' - applicant sought to set aside or vary judgment - application dismissed

Falzon v The Queen (VSCA) - criminal law - applicant convicted of 'trafficking in a commercial quantity of cannabis' and 'trafficking in a drug of dependence' - appeal against convictions allowed - convictions quashed

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Summaries With Link (Five Minute Read)

Musa v R [2019] NSWCCA 279

Court of Criminal Appeal of New South Wales

Gleeson JA; Johnson & Cavanagh JJ

Criminal law - applicant convicted of 'supply of a prohibited drug' - applicant sentenced to 30 months in prison with 20 month non-parole period - applicant sought to appeal - applicant contended verdict unreasonable due to insufficiency of evidence to establish drugs in applicant's possession - applicant also challenged evidence's admission 'where no objection was taken at trial' - s5(1)(b) *Criminal Appeal Act 1912* (NSW) - r4 *Criminal Appeal Rules* (NSW) - s25(1) *Drug Misuse and Trafficking Act 1985* (NSW) - held: leave to appeal granted only in respect of ground of appeal alleging verdict unreasonable - appeal dismissed.

[View Decision](#)

El Ali v R (No 2) [2019] NSWCCA 289

Court of Criminal Appeal of New South Wales

Basten JA; Simpson AJA; N Adams J

Criminal law - Court granted applicant leave to appeal from convictions for 'conspiracy to possess more than three firearms' and 'knowingly taking part in the sale of a firearm on three or more occasions in a 12 month period' - Court dismissed appeal - applicant, under r50C *Criminal Appeal Rules* (NSW), sought to set aside or vary judgment on basis Court 'failed to consider; two grounds in notice of appeal or to address applicant's submissions concerning those grounds' - held: Court gave 'specific consideration' to matters which applicant contended were not 'fully or properly addressed' - application dismissed.

[View Decision](#)

Falzon v The Queen [2019] VSCA 294

Court of Appeal of Victoria

Maxwell P, Priest & T Forrest JJA

Criminal law - applicant convicted of trafficking in a commercial quantity of cannabis' and 'trafficking in a drug of dependence' - applicant sought to appeal conviction on ground verdict was unreasonable or could not be supported with regard to evidence - ss71AC & 71AA *Drugs, Poisons and Controlled Substance Act 1981* (Vic) - whether evidence established applicant joined 'joint criminal enterprises' or participated in them - held: appeal allowed - convictions quashed.

[Falzon](#)



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The Jumblies

By: Edward Lear

They went to sea in a Sieve, they did,
In a Sieve they went to sea:
In spite of all their friends could say,
On a winter's morn, on a stormy day,
In a Sieve they went to sea!
And when the Sieve turned round and round,
And every one cried, 'You'll all be drowned!'
They called aloud, 'Our Sieve ain't big,
But we don't care a button! we don't care a fig!
In a Sieve we'll go to sea!'
Far and few, far and few,
Are the lands where the Jumblies live;
Their heads are green, and their hands are blue,
And they went to sea in a Sieve.

II

They sailed away in a Sieve, they did,
In a Sieve they sailed so fast,
With only a beautiful pea-green veil
Tied with a riband by way of a sail,
To a small tobacco-pipe mast;
And every one said, who saw them go,
'O won't they be soon upset, you know!
For the sky is dark, and the voyage is long,
And happen what may, it's extremely wrong
In a Sieve to sail so fast!'
Far and few, far and few,
Are the lands where the Jumblies live;
Their heads are green, and their hands are blue,
And they went to sea in a Sieve.

III

The water it soon came in, it did,
The water it soon came in;
So to keep them dry, they wrapped their feet



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In a pinky paper all folded neat,
And they fastened it down with a pin.
And they passed the night in a crockery-jar,
And each of them said, 'How wise we are!
Though the sky be dark, and the voyage be long,
Yet we never can think we were rash or wrong,
While round in our Sieve we spin!
Far and few, far and few,
Are the lands where the Jumblies live;
Their heads are green, and their hands are blue,
And they went to sea in a Sieve.

IV

And all night long they sailed away;
And when the sun went down,
They whistled and warbled a moony song
To the echoing sound of a coppery gong,
In the shade of the mountains brown.
'O Timballo! How happy we are,
When we live in a sieve and a crockery-jar,
And all night long in the moonlight pale,
We sail away with a pea-green sail,
In the shade of the mountains brown!
Far and few, far and few,
Are the lands where the Jumblies live;
Their heads are green, and their hands are blue,
And they went to sea in a Sieve.

V

They sailed to the Western Sea, they did,
To a land all covered with trees,
And they bought an Owl, and a useful Cart,
And a pound of Rice, and a Cranberry Tart,
And a hive of silvery Bees.
And they bought a Pig, and some green Jack-daws,
And a lovely Monkey with lollipop paws,
And forty bottles of Ring-Bo-Ree,
And no end of Stilton Cheese.



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Far and few, far and few,
Are the lands where the Jumbles live;
Their heads are green, and their hands are blue,
And they went to sea in a Sieve.

VI

And in twenty years they all came back,
In twenty years or more,
And every one said, 'How tall they've grown!'
For they've been to the Lakes, and the Terrible Zone,
And the hills of the Chankly Bore;
And they drank their health, and gave them a feast
Of dumplings made of beautiful yeast;
And everyone said, 'If we only live,
We too will go to sea in a Sieve,—
To the hills of the Chankly Bore!'
Far and few, far and few,
Are the lands where the Jumbles live;
Their heads are green, and their hands are blue,
And they went to sea in a Sieve.

https://en.wikipedia.org/wiki/Edward_Lear

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