



Friday, 20 September 2019

Weekly Criminal Law

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

 Follow @Benchmark_Legal

Search Engine

[Click here](#) to access our search engine facility to search legal issues, case names, courts and judges. Simply type in a keyword or phrase and all relevant cases that we have reported in Benchmark since its inception in June 2007 will be available with links to each case.

Executive Summary

Yin v Regina (NSWCCA) - criminal law - drug offences - applicant found guilty of offence contrary to s307.5(1) *Criminal Code* (Cth) - leave to appeal against sentence refused

Gurung v The Queen (VSCA) - criminal law - applicant found guilty of 'armed robbery' - appeal against conviction allowed

R v Lewis (QCA) - criminal law - appellant found guilty of 'grievous bodily harm with intent' - appeal against conviction allowed

Benchmark

Summaries With Link (Five Minute Read)

Yin v Regina [2019] NSWCCA 217

Court of Criminal Appeal of New South Wales

Bathurst CJ; Harrison & N Adams JJ

Criminal law - drug offences - applicant found guilty of offence contrary to s307.5(1) *Criminal Code* (Cth) - applicant sentenced to 16 years in prison with 10 year non-parole period - applicant sought to appeal against sentence - applicant contended judge erred in assessing 'comparative objective seriousness' of offending of applicant and offending of co-offenders - applicant also contended that disparity between applicant's sentence and co-offenders' sentences gave rise to 'justifiable sense of grievance' - held: leave to appeal refused.

[View Decision](#)

Gurung v The Queen [2019] VSCA 196

Court of Appeal of Victoria

Kyrou, Emerton & Weinberg JJA

Criminal law - applicant found guilty of 'armed robbery' - applicant sought to appeal against conviction - applicant contended 'substantial miscarriage of justice' arising from judge's refusal to admit a 'further addendum to agreed facts' into evidence - applicant also contended that 'imbalance favourable to' prosecution arose from direction to jury concerning 'different pathways' to 'unanimous verdict' resulting in substantial miscarriage of justice - applicant also contended substantial miscarriage of justice arising from judge's refusal to answer question of jury: 'Did the victim ID the Accused?' - held: appeal allowed.

[Gurung](#)

R v Lewis [2019] QCA 192

Court of Appeal of Queensland

Gotterson & Philippides JJA; Burns J

Criminal law - applicant found guilty of 'grievous bodily harm with intent' - appellant appealed against conviction and sought leave to appeal against sentence - whether failure to give directions resulted in inadequate summing up - whether miscarriage of justice - held: appeal against conviction allowed.

[R v Lewis](#)



Benchmark

To My Friends

By: Henry Lawson

From: Skyline Riders.

These are the songs of the Friends I neglected -
And the Foes too, in part;
These are songs that were mostly rejected -
And songs from my heart.

https://en.wikipedia.org/wiki/Henry_Lawson - circa 1910

[Click Here to access our Benchmark Search Engine](#)