



Thursday, 24 December 2020

Weekly Criminal Law

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

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Executive Summary

Geagea v R (NSWCCA) - criminal law - 'dangerous driving occasioning death' - 'failing to stop and assist after a vehicle impact causing death' - appeal against sentence allowed - appellant resentenced

R v Peter; R v Anau; R v Ingui; R v Banu (QCA) - criminal law - rape - four appellants appealed against their convictions - appeals allowed - convictions set aside - retrial ordered

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Summaries With Link (Five Minute Read)

R v Peter; R v Anau; R v Ingui; R v Banu [2020] QCA 228

Court of Appeal of Queensland

Sofronoff P; Morrison & Philippides JJA

Criminal law - rape - three appellants (Mr Peter, Mr Anau and Mr Ingui) each charged with one count rape as 'principal offender' and three counts as 'party to rape' - one appellant (Mr Banu) charged on sole basis 'of being a party to the four rape offences' - appellants convicted - appellants appealed against convictions - whether miscarriage of justice arising from judge's comments during jurors' selection in 'empanelment process' - whether judge erroneously failed to discharge jury under s60 *Jury Act 1995* (Qld) - whether judge erroneously failed 'to exclude certain evidence as inadmissible' - whether Mr Banu's conviction unreasonable - *R v Edwards & Ors* [2002] 1 Qd R 203 - *R v Panozzo; R v Iaria* (2003) 8 VR 548 - *Webb v The Queen* (1994) 181 CLR 41 - held: appeals allowed.

[R v Peter; R v Anau; R v Ingui; R v Banu](#)

Geagea v R [2020] NSWCCA 350

Court of Criminal Appeal of New South Wales

Hoeben CJ at CL; Davies & Fagan JJ

Criminal law - applicant convicted of 'dangerous driving occasioning death' and 'failing to stop and assist after a vehicle impact causing death' - judge imposed aggregate sentence of 6 years 6 months with 4 years 2 months non-parole period - applicant appealed against sentence - remorse - objective seriousness - ss52A(1)(c) & 52AB(1) *Crimes Act 1900* (NSW) - s44(2) *Crimes (Sentencing Procedure) Act 1999* (NSW) - held: appeal against sentence allowed - appellant resentenced.

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Somewhere

By: David Conolly

Somewhere,
unexpectedly,
hope is born.

The voice speaks to
a world grown used to
darkness, despair.

A voice.
At first, only the cry
of a new-born
gulping for breath.

The voice says,
You are light for the world;
Let it shine.
Love, and forgive.

In time, a voice.

And suddenly, hope is born.

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