



Friday, 25 September 2020

Weekly Criminal Law

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

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Executive Summary

Norouzi v R (NSWCCA) - criminal law - 'aggravated dangerous driving causing death' - appeal against sentence dismissed

Lambert v The Queen (SASCFC) - criminal law - offences under *Firearms Act 2015* (SA) - theft - possession of prohibited weapon - possession of prescription drug - appeal against sentence allowed - appellant resentenced

JLD v The State of Western Australia (WASCA) - criminal law - bail - appellant sought extension of time to seek leave to appeal against refusal of bail - extension of time granted - leave to appeal refused - appeal dismissed

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Summaries With Link (Five Minute Read)

Norouzi v R [2020] NSWCCA 237

Court of Criminal Appeal of New South Wales

Payne JA; Walton & Fullerton JJ

Criminal law - 'aggravated dangerous driving causing death' - applicant, pursuant to s5(1)(c) *Criminal Appeal Act 1912* (NSW), sought to appeal against sentence - applicant had been sentenced to 6 years 4 months in prison, with 4 years 6 months non-parole period, and 'disqualified from driving for 5 years' - applicant contended sentence manifestly excessive - *Conte v R [2018] NSWCCA 209* - *Moodie v R [2020] NSWCCA 160* - 'Judicial Commission of New South Wales' statistics - 'objective seriousness' - 'subjective factors' - held: appeal dismissed.

[View Decision](#)

Lambert v The Queen [2020] SASCFC 85

Full Court of the Supreme Court of South Australia

Kelly, Livesey & Bleby JJ

Criminal law - appellant sentenced for offences under *Firearms Act 2015* (SA), theft, possession of prohibited weapon, and possession of prescription drug - common ground that judge sentenced on 'basis of incorrect maximum penalties' concerning seven offences appellant had pleaded guilty to - respondent conceded 'material error vitiating' sentencing discretion's exercise, and that Court should re-exercise sentencing discretion - s134(1) *Criminal Law Consolidation Act 1935* (SA) - s21F(1)(b) *Summary Offences Act 1953* (SA) - s18(3) *Controlled Substances Act 1984* (SA) - held: appeal allowed - appellant re-sentenced.

[Lambert](#)

JLD v The State of Western Australia [2020] WASCA 156

Court of Appeal of Western Australia

Buss P; Mazza & Mitchell JJA

Criminal law - bail - appellant charged with offences contrary to ss326(1), 313(1)(a) & 338B(b) *Criminal Code* (WA) - appellant sought extension of time to seek leave to appeal against refusal of bail pending trial - s14(1) *Bail Act 1982* (WA) - prospects of success of appeal grounds - held: extension of time granted - leave to appeal refused - appeal dismissed.

[JLD](#)



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From: Ode to the Moon

By Thomas Hood

I
MOTHER of light! how fairly dost thou go
Over those hoary crests, divinely led!—
Art thou that huntress of the silver bow
Fabled of old? Or rather dost thou tread
Those cloudy summits thence to gaze below, 5
Like the wild Chamois from her Alpine snow,
Where hunter never climb'd,—secure from dread?
How many antique fancies have I read
Of that mild presence! and how many wrought!
 Wondrous and bright, 10
 Upon the silver light,
Chasing fair figures with the artist, Thought!

II
What art thou like? Sometimes I see thee ride
A far-bound galley on its perilous way,
Whilst breezy waves toss up their silvery spray;—
15
 Sometimes behold thee glide,
 Cluster'd by all thy family of stars,
 Like a lone widow, through the welkin wide,
 Whose pallid cheek the midnight sorrow mars;—
 Sometimes I watch thee on from steep to steep, 20
 Timidly lighted by thy vestal torch,
 Till in some Latmian cave I see thee creep,
 To catch the young Endymion asleep,—
 Leaving thy splendour at the jagged porch!

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

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