

## **Recent Cases of Note**

### **Court of Criminal Appeal, Court of Appeal, High Court**

#### **[Castagna v R; Agius v R \[2019\] NSWCCA 114](#)**

*Appeal- Allegations of Income Tax Fraud- Ordinary income- Trusts- Statutory interpretation- Conspiracy- Proceeds of Crime- Acquittal*

#### **[Blundell v R \[2019\] NSWCCA 3](#)**

*Accessorial liability- words alone- directions on accessory before the fact – murder- conviction quashed- new trial- ultimately no billed*

#### **[Holt v R \[2019\] NSWCCA 50](#)**

*Directions on elements of sexual offences- “in company”- acquittal*

#### **[Yu v R \[2018\] NSWCCA 201](#)**

*Misdirection on element of consent- Rule 4 Criminal Appeal Rules- convictions quashed*

#### **[Tarrant v The Queen \[2018\] NSWCCA 21](#)**

*Apprehension of bias- substantial impairment- ‘battered spouse’- sentence quashed- remitted for fresh sentencing proceedings*

#### **[DL v The Queen \(2018\) 92 ALJR 764](#)**

*Failure to afford procedural fairness by appellate court- miscarriage of justice- remitted for re-hearing of appeal*

#### **[DPP \(Cth\) v Easton \(2018\) FLR 374](#)**

*Constitutional law- Elections – Non-judicial organs of government- Statutory interpretation – conscientious objection- valid and sufficient reason for failing to vote- Crown appeal upheld*

#### **[Commissioner of Corrective Services v Liristis \(2018\) 98 NSWLR 113; 358 ALR 741](#)**

*Administrative law- judicial review- reviewable decisions and conduct- fair trial- inherent power of Supreme Court- “right of access to the courts”- independent supervisory jurisdiction of the Supreme Court- appeal upheld*

#### **[Prothonotary of the Supreme Court of NSW v Dangerfield \[2016\] NSWCA 277](#)**

*Procedural fairness- contempt- statutory interpretation- Local Court Act 2007 s24 (4)- conviction quashed*

### **Recent Inquiries, Inquests and Review of decisions relating to the same**

#### **[Inquest into the deaths arising from the Lindt Café siege \(2016-7\)](#)**

*Terrorism- expert evidence-investigation and intelligence- negotiation- command and control of police operation- snipers- emergency action- hostage and family management- ADF and AFP involvement- risk models- representative for family of deceased hostage*

**[JB v The Queen \(No 2\) \[2016\] NSWCCA 67](#)**

*Inquiry by Court of Criminal Appeal into conviction - evidence absent compromised evidence called at original trial not sufficient to sustain conviction- acquittal*

**[Buttrose v Attorney General \(2015\) 324 ALR 562](#)**

*Administrative law- judicial review - s 78 Crimes (Appeal and Review) Act 2001 - power of single judge to refer sentence for review- doubt or question as to sentence imposed*

**[JB - Application for Inquiry into Conviction pursuant to s 78 Crimes \(Appeal and Review\) Act \[2014\] NSWSC 1714](#)**

*Murder conviction of young person referred for review - doubt or question about guilt- questions as to prosecution duty of disclosure – conflict of interest of legal practitioner*

**[Other High Court cases](#)**

[Green v The Queen; Quinn v The Queen \(2012\) 244 CLR 462](#)

[CMB v Attorney General of NSW \(2015\) 89 ALJR 407](#)

[Fillipou v The Queen \(2015\) 89 ALJR 776](#)

[Kentwell v The Queen \(2014\) 252 CLR 601](#)

[O'Grady v The Queen \(2014\) 252 CLR 621](#)

[Lee v The Queen \(2014\) 253 CLR 455](#)

[Achurch v The Queen \(2014\) 253 CLR 141](#)

[Bugmy v The Queen \(2013\) 249 CLR 571](#)

[Lee v NSWCC \(2013\) 251 CLR 196](#)

[Burns v The Queen \(2012\) 246 CLR 334](#)

[Carroll v The Queen \(2009\) 83 ALJR 579](#)

[Evans v The Queen \(2008\) 235 CLR 521](#)

[The Queen v Taufahema \(2007\) 228 CLR 232](#)

[Strong v The Queen \(2005\) 224 CLR 1](#)

[Azzopardi v The Queen \(2001\) 205 CLR 50](#)

[Adam v The Queen \(2001\) 207 CLR 96](#)

**[Other Court of Criminal Appeal cases](#)**

[Cranney v The Queen \(2017\) 325 FLR 173](#)

[Garth v The Queen \(2016\) 261 A Crim R 583](#)

[R v SH \(2014\) 88 NSWLR 1](#)

[DSJ v The Queen \(2014\) 100 ACSR 70](#)

[Wood v The Queen \(2012\) 84 NSWLR 581](#)

[DSJ v DPP \(Cth\) \(2012\) 84 NSWLR 758](#)

[Simpson v R \(2012\) 227 A Crim R 299](#)

[R v Carroll \(2010\) 77 NSWLR 45](#)

[R v JW \(2010\) 76 NSWLR 608](#)

[The Queen v JS \(2007\) 175 A Crim R 108](#)

[Evans v The Queen \(2006\) 164 A Crim R 489](#)

[Robinson v The Queen \(2006\) 162 A Crim R 88](#)

[R v Liristis \(2004\) 146 A Crim R 547](#)

[R v Berg \(2004\) 41 MVR 399](#)

[R v Graham \(2004\) 62 NSWLR 252](#)

[R v RS \(2003\) 142 A Crim R 322](#)

[R v Yammine and Chami \(2002\) 132 A Crim R 44](#)

[R v McNamara \(2002\) 131 A Crim R 140](#)

[R v Fung \(2002\) 136 A Crim R 95](#)

[R v Bourchas \(2002\) 133 A Crim R 413](#)

[R v Keir \(2002\) 127 A Crim R 198](#)

Unreported cases include:

[Nicholson v The Queen \[2017\] NSWCCA 38](#)

[DL v R \[2017\] NSWCCA 57](#)

[Grogan v R \[2016\] NSWCCA 168](#)

[Majid v R \[2016\] NSWCCA 289; Majid \(No 2\) \[2016\] NSWCCA 311](#)

[Kentwell v The Queen \(No 2\) \[2015\] NSWCCA 96](#)

[Villalon v The Queen \[2015\] NSWCCA 229](#)

[BA v The Queen \[2015\] NSWCCA 189](#)

[Clarke v The Queen \[2015\] NSWCCA 232](#)

[R v Reeves \[2014\] NSWCCA 154](#)

[Hawi v R \[2014\] NSWCCA 83](#)

[Gordon Wood v R \[2012\] NSWCCA 21](#) (sections of this judgment are reported)

### ***Selected Civil and administrative law applications and appeals***

[The Commissioner for Federal Police v Cranston and Ors 65 \(No 8\) \[2018\] NSWSC 365](#)

Application for revocation of examination orders made under the Proceeds of Crime Act (2002) (Cth)

[\*New South Wales Crime Commission v Lee\* \(2012\) 84 NSWLR 1](#)

Appeal- civil- appeal from discretionary decision- *Criminal Assets Recovery Act* 1990 (NSW)- examination orders- recovery of proceeds of crime.

[\*Commissioner of Australian Federal Police v Dickson and Ors\* \[2012\] NSWSC 1339](#)

Civil Law- proceeds of crime- application for revocation of orders

[\*State of New South Wales v Tozer\* \[2017\] NSWSC 109](#)

Application for extended supervision order- Crimes (High Risk Offenders) Act 2006- teste for whether offender is a high-risk offender

[\*O'Shane v Burwood Local Court \(NSW\) and Ors\* \(2007\) 178 A Crim R 392](#)

Administrative law- jurisdiction- powers of courts and judges- suppression of identity- open justice- apprehended violence orders

[\*Esho v Parole Board of NSW and Anor\* \[2006\] NSWSC 304](#)

Administrative law- parole- orders in the nature of prerogative relief- costs

**Recent Supreme Court Bail, Sentence and District Court trials and sentences** available on request