

OUTLINE OF SUBMISSIONS: SENTENCE

IN THE COURT OF APPEAL
SUPREME COURT OF QUEENSLAND

C.A. No. 555 of 1999

THE QUEEN

- v -

BILLY BOB BLOGGS
Applicant

OUTLINE OF SUBMISSIONS ON BEHALF OF THE APPLICANT

1. Date and nature of offence/s:

| Date of offence/s | Nature of offence/s |
|-------------------|---------------------|
| December 10, 1998 | Manslaughter |

2. Court and Judicial Officer:

- 2.1. Supreme Court, Brisbane.
- 2.2. Justice Judy.

3. Date of conviction:

- 3.1. 3 March, 1999.

4. Date of Sentence:

- 4.1. 9 March, 1999.

5. Age and date of birth of offender:

- 5.1. 27.
- 5.2. Born 6 June 1972.

6. Sentence imposed:

- 6.1. 9 years imprisonment.
- 6.2. The applicant was declared as having committed a serious violent offence.



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6.3. There was a declaration made in relation to 430 days of pre-sentence custody.

7. Prior criminal history:

7.1. The applicant, among other offences, has two previous convictions for assault occasioning bodily harm in 1994 and 1996.¹

8. Circumstances of offence in respect of which appeal is brought:

8.1. The applicant and the deceased (male, 28 years) were known to each other, and there existed some animosity between them due to some previous association.

8.2. On the morning of 30 December 1999 the applicant attended the Rocky Hills railway station where he was to meet the deceased.

8.3. On the applicant's arrival the deceased approached his vehicle and aggressively challenged the applicant.

8.4. In response the applicant armed himself with a knife and exited the vehicle.

8.5. After some further argument the applicant deliberately stabbed the deceased once to the left chest causing his death.

8.6. The applicant then drove away, but realising his predicament returned directly to render futile assistance.

9. Matters relied on by the Applicant

9.1. It is submitted that the sentencing discretion has miscarried because the learned Judge erred in:-

9.1.1. Declaring the applicant as having committed a serious violent offence; or alternatively,

9.1.2. Discounting a sentence outside the permissible range; or

9.1.3. Failing to adequately discount a sentence within the appropriate range.

9.2. The learned Judge failed to adequately apply the principle that in circumstances where the discretion to make a declaration pursuant to Part 9 A of the PSA is to be exercised a sentence toward the lower end of the range should be imposed.²

9.3. The Crown submitted the appropriate range was 8-9 years imprisonment.³The Judge determined the range was 8-11 years imprisonment.⁴If it is accepted that 12 years is the top of the range then it is submitted the imposition of a head sentence of nine years imprisonment with a Part 9A declaration is manifestly excessive and demonstrates that the Judge has erred in either:-

9.3.1. discounting a sentence outside that range, or

9.3.2. failed to adequately discount a sentence within the range.

¹ see R 267-270.

² see R-v-Bojovic CA No.4 of 1997 & R-v- Staines CA 462 of 1998 per Pincus JA at 5.

³ see R 250 15-10.

⁴ see R 264 140-50.



