

COURT OF CRIMINAL APPEAL.

Before their Honours Mr. Justice R. J. Douglas, Mr. Justice Webb, and Mr. Justice E. A. Douglas.

REX v. DIX.

John Dix applied for permission to appeal against a sentence of 18 months' imprisonment with hard labour on a charge of robbery with violence on the ground that the evidence was insufficient to warrant a conviction.

Leave to appeal was refused.

REX v. BELOSHAPKA.

Plotin Beloshapka, who had pleaded guilty to having attempted to commit an offence against a female, and was sentenced to six years' imprisonment with hard labour, was refused leave to appeal.

The prisoner appeared to have little knowledge of the English language, and the few words he uttered were scarcely intelligible. He had no legal assistance, nor was an interpreter provided.

Before their Honours Mr. Justice Macrossan, S.P.J., Mr. Justice Webb, and Mr. Justice E. A. Douglas.

REX v. RUSSO.

Giuseppe Russo, now serving a sentence of three years in Stewart's Creek Gaol on a conviction for causing grievous bodily harm, made application for leave to appear before the court in support of an application for leave to appeal.

Mr. H. T. O'Driscoll, who appeared for the Crown, said the prison authorities

Mr. H. T. O'Driscoll, who appeared for the Crown, said the prison authorities had not allowed the prisoner to come to Brisbane.

Mr. Justice Macrossan adjourned the application until the following day and suggested that either the prisoner should be brought before the court or that the Crown should provide him with legal aid.

Before their Honours Mr. Justice Macrossan, S.P.J., Mr. Justice R. J. Douglas, and Mr. Justice E. A. Douglas.

REX v. SCOTT.

Luke Scott, who was sentenced by Mr. Justice Brennan at Gladstone in February last to imprisonment for life on a charge of wilful murder, applied for leave to appeal against the conviction.

Mr. H. T. O'Driscoll appeared for the Crown, and Mr. W. L. D. Salkeld (instructed by the Public Defender) appeared for the prisoner.

The ground submitted by the prisoner was that his solicitor had not had sufficient time to prepare the defence properly, and had not given sufficient emphasis to the plea of provocation.

Mr. Salkeld submitted that the verdict did not amount to one of wilful murder. He pointed out that the jury had added a recommendation to mercy, and there was sufficient provocation shown in the evidence to warrant such a recommendation. He asked to amend the application to insert the ground that the prisoner was insane at the time the crime was committed. It had been asserted that the prisoner had been mentally deranged ever since he had been hit on the head with an oil drum. He had spent

ever since he had been hit on the head with an oil drum. He had spent a period in the Goodna Asylum, where a strait-jacket had to be employed.

Mr. Justice Macrossan said it would be more satisfactory if a report were obtained from a medical expert, who should be provided with the prisoner's complete medical history.

The case was adjourned until the next sittings of the Court.

REX v. HARRIS.

Bridget Mary Harris applied for leave to appeal against a sentence of 18 months' imprisonment imposed by Mr. Justice Henchman at Toowoomba for having unlawfully wounded Arthur Calcott with a revolver.

Mr. T. H. O'Driscoll (instructed by the Crown Solicitor) appeared for the Crown, and Mr. R. E. O'Connor (instructed by Messrs. T. S. O'Sullivan and O'Sullivan) appeared for the applicant.

Mr. O'Connor said the jury found the prisoner not guilty of attempting to kill. The jury had found her guilty of unlawful wounding, with great provocation, and added a strong recommendation to mercy. The evidence had shown that Calcott had threatened to do violence to the prisoner, and was known to have a knife in his possession.

Mr. O'Connor contended that the negation of specific intention to kill went a long way towards establishing a plea of not guilty of unlawfully wounding. The jury had certainly found the prisoner guilty of unlawful wounding, but the word "unlawful" had evidently been inserted without due regard to its real importance. He submitted that the prisoner had been subjected to great provocation by Calcott, who had followed her around the

subjected to great provocation by Calcott, who had followed her around the streets of Toowoomba that morning, and had used insulting expressions. Calcott had seduced her from her husband and children, and had subjected her to violence on a previous occasion.

Leave to appeal was refused.

REX v. MAGNEY.

Leslie Magney, who was charged at Goondiwindi with having uttered a false cheque, and was sentenced by Mr. Justice Henchman to two years' imprisonment with hard labour, asked leave to appeal against the conviction, not the sentence.

Magney was not represented by counsel.

Leave to appeal was refused.