

CRIMINAL APPEAL COURT.

AFTER 20 MONTHS.

George Connand, who was, on September 2, 1922, at the Charleville criminal sittings of the Supreme Court, convicted on a charge of unlawfully wounding and was sentenced by Judge Lukin to seven years' imprisonment with hard labor, applied to Chief Justice M'Cawley and Justices Shand and Macnaughton, in the Court of Criminal Appeal this morning, for leave to appeal against that conviction, on the grounds that the conviction was against the weight of evidence and that he was unable to obtain a copy of the depositions in the lower Court in time to prepare his defence, the copy having been made available for this purpose only two hours before the case started. He asserted that had they been available he would not have been convicted.

Mr. Salkeld, the Public Defender, who appeared for the appellant, stated that the medical evidence given by Dr. Fox was evidence of abrasions only, not of wounding, which the law required should be shown to consist in the actual cutting of the skin.

Justice Shand: Why, the skin was hanging down!

Mr. Salkeld. The man walked two miles over stones afterwards, and he submitted the only evidence was of an assault, not of wounding.

Justice Shand: She, in the dark, mistook the man Barker for a man named Smith, and savagely attacked him.

Mr. Salkeld: Even so, the sentence was excessive.

The Chief Justice: Leave to appeal refused.

TWO SOUTHERN CRIMINALS.

Bruce Roberts and Frederick Hayes, who at the March Sittings of the Supreme Court, Brisbane, were found guilty and convicted for having house-breaking tools in their possession, and were each sentenced to three years' imprisonment with hard labor, applied to the Court of Criminal Appeal (Chief Justice M'Cawley and Justices Shand and Macnaughton) this morning, for leave to appeal against their

and Macnaughton) this morning, for leave to appeal against their respective sentence on the ground that certain evidence was not tendered at the trial, and that they wished to give evidence as to their movements on the day of the alleged offence.

Mr. Salkeld, in moving the application for leave to appeal, admitted they both had bad records, but—

Justice Macnaughton: The records showed that these were men whose records were so bad that they were driven out of other States and came to Queensland to further pursue a criminal career. One of them, Roberts, was lucky to be here at all, as he had been sentenced to imprisonment for life.

The Chief Justice: Leave to appeal refused.

JOHN BELPITT'S APPLICATION.

Convicted of stealing with violence and sentenced at the March sittings of the Supreme Court to 12 months' imprisonment, John Belpitt applied to the Court of Criminal Appeal this morning for leave to appeal against his conviction and sentence on the ground that he was not the person who committed the offence, that he could bring evidence to show he was not in the vicinity of the place where the offence was committed at the time stated at the trial, and that the counsel who defended him at the trial was so sure the case was a weak one that he refused to allow Belpitt to go into the witness box on his own behalf.

Mr. Watson (instructed by Messrs. M'Ghie and Chambers) urged for the applicant that an employee at Finney Isles's could prove that Belpitt was with him at the time the crime was committed, and that two women could corroborate that, and show the time he reached home.

Mr. Byth, who appeared for the Crown, opposed the application chiefly on the ground that the persons referred to by Mr. Watson had been interviewed by the police, and a statement was obtained from each of them, showing their evidence would not at all support the application by the prisoner.

Leave to appeal was refused.
(Proceeding).