

Sample 7: Outline of argument – appealing sentence

Use this form when you are appealing against your sentence. Complete it after you have received the Appeal Record Book from the court and have been allocated a hearing date. After you have completed it, send it to the Court of Appeal registry and the prosecutor. You must do this 28 days prior to your hearing date.

**IN THE COURT OF APPEAL
SUPREME COURT OF QUEENSLAND**

C.A. No. 555 of 2018

THE QUEEN

- v -

JASON MATTHEWS
Applicant

OUTLINE OF ARGUMENT ON BEHALF OF THE APPLICANT

1. Date and nature of offence/s:

Date of offence/s	Nature of offence/s
December 30, 2017	Manslaughter

2. Court and Judicial Officer:

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

3. Date of conviction:

- 3.1. 3 March, 2018

4. Date of sentence:

- 4.1. 3 March, 2018

5. Age and date of birth of offender:

- 5.1. 27.
- 5.2. Born 6 June 1992

6. Sentence imposed:

- 6.1. 12 years' imprisonment.
- 6.2. The applicant was declared as having committed a serious violent offence.
- 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 2007 and 2008.¹

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

Jason Matthews was charged with manslaughter in relation to the death of his 3 year old daughter, Bianca Matthews, on 30 December 2017. The Crown alleged that the deceased died as a result of injuries sustained during an assault in the course of which the appellant delivered blows. Criminal responsibility was said to arise under Section 7(1) Code.

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. Not taking into account the applicant's rehabilitation.
- 9.1.2. Imposing a sentence outside the permissible range.
- 9.2. The Crown submitted the appropriate range was 10-12 years' imprisonment. The judge determined the range was 10-14 years imprisonment. If it is accepted that 14 years is the top of the range then it is submitted the imposition of a head sentence of 12 years' imprisonment is excessive.

10. Grounds upon which the appeal is based:

- 10.1. The sentence is manifestly excessive.

11. Sentence which should have been imposed:

- 11.1. 10 years' imprisonment.

Signed: *J Matthews*

Dated: *10 August 2018*

¹ see R 267-270.

² see R 250 15-10.

³ see R 264 140-50.