**Heffernan v R** **30 March 2005**

The applicant was found guilty by an Alice Springs Supreme Court jury of one count of murder. The applicant sought an extension of time in which to file an application for leave to appeal against the jury's finding of guilt on the grounds that the trial judge erred in law–

1. by failing to discharge his obligation to inquire into the applicant's fitness to plead during the course of the trial,

2. by failing to direct the jury as to the defences of insanity and diminished responsibility when those defences were raised upon the evidence admitted at trial, and

3. by failing to find that the presumption of normality of mind contained in s.6 of the ***Criminal Code*** was inapplicable to the proceedings and should have found that the section had been repealed by the ***Criminal Code Amendment (Mental Impairment and Unfitness to be Tried) Act 2002***.

Both applications were opposed by the Crown. Leave to appeal was granted on all grounds.

The appeal had not been listed for hearing as at 30 June 2005.