

**Milaynga v R**

**27 October 2004**

The applicant was sentenced to 5 years detention suspended after 2 years following his plea of guilty to one count of attempting to have sexual intercourse with a female without her consent with the circumstance of aggravation that in the course of the attempt the applicant caused bodily harm to the victim.

The applicant sought an extension of time (the application for leave to appeal was filed 18 days out of time) in which to apply for leave to appeal against severity of sentence on the grounds that the sentencing judge erred -

1. in imposing a sentence which was manifestly excessive,
2. by failing to properly take into account the applicant's plea of guilty,
3. by failing to properly address the issue of a juvenile serving detention in adult custody, and
4. by failing to give proper weight to principles of rehabilitation.

The application for an extension of time was granted. The application for leave to appeal was refused.

The applicant did not apply to have his application reheard by the Court of Criminal Appeal pursuant to s.429(2) of the *Criminal Code*.