

**Regina v R****8 July 2004**

The applicant was sentenced in the Alice Springs Supreme Court to 5 years imprisonment following his plea of guilty to one count of unlawfully cultivating cannabis plants with the circumstance of aggravation that the number of plants was a commercial quantity (1,757 plants). The sentencing judge declined to fix a non-parole period.

The applicant sought an extension of time in which to file an application for leave to appeal against sentence on the grounds that the sentencing judge erred -

1. in failing to take into account the totality of the period during which the applicant would be imprisoned,
2. by imposing a sentence which was not duly proportionate to the gravity of the offence,
3. in declining to apply the principle of parity, and
4. in declining to fix a non-parole period.

The Crown opposed the application.

The extension of time was granted. Leave to appeal was granted on grounds 1 and 4 and refused on grounds 2 and 3.

The appeal was heard on 25 October 2004 and the court delivered its decision on 12 November 2004. See under Decisions for a further note of the case.