

Wade v R

7 July 2004

The applicant was sentenced in the Darwin Supreme Court to concurrent terms of imprisonment of 7 years, 12 months and 12 months imprisonment following his pleas of guilty to one count of robbery of a pharmacy with the circumstance of aggravation that he was armed with a dangerous weapon and two counts of assaulting a police officer in the execution of his/her duty. A non-parole period of 5 years and 6 months was fixed.

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 (i) in fixing a non-parole period which was manifestly excessive (ii) in giving too little weight to the applicant's early plea of guilty and (iii) in his findings of fact for sentencing purposes.

After the application for an extension of time had been refused, the applicant filed a Notice of Application for Rehearing by the Court of Criminal Appeal pursuant to s.429(2) of the *Criminal Code*.

The application was reheard and determined on 1 December 2004. See under Decisions for a further note of the case.