

Rule 2.39

FORM 6-2M

In the Supreme Court of Victoria
In the Court of Appeal
Criminal Division
At Melbourne

Appeal Ref: S APCR 2010 0026

NORMAN JOHN POULTER

v.

DIRECTOR OF PUBLIC PROSECUTIONS

NOTIFICATION OF RESULT OF APPEAL OR APPLICATION

IN THE MATTER OF: Norman John Poulter v Director of Public Prosecutions

DATE OF BIRTH: 16 August 1930

COURT: County Court of Victoria sitting at Melbourne

JUDGE: His Honour Judge Coish

DATE OF INTERLOCUTORY DECISION: 9 February 2010

INTERLOCUTORY DECISION: The admissibility of coincidence evidence.

CERTIFICATION: A certificate had been granted by his Honour Judge Coish in relation to the interlocutory decision that is the subject of this application pursuant to section 295(3)(a) of the *Criminal Procedure Act 2009*.

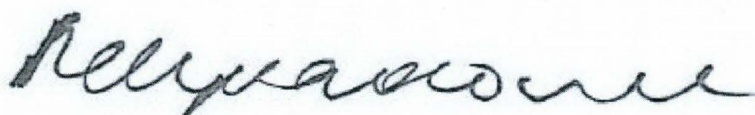
OTHER MATTERS: The applicant is reserved leave to make an application in writing for a certificate under the *Appeal Costs Act 1998*, such application to be dealt with on the papers.

TAKE NOTICE that the Court of Appeal has considered an Application for Leave to Appeal against an Interlocutory Decision and, on 31 March 2010, has decided:-

1. There be leave to appeal against the interlocutory decision of Judge Coish made 9 February 2010.

2. The appeal be treated as having been instituted and heard instanter and allowed.
3. Set aside so much of the ruling of Judge Coish made 9 February 2010 as related to the admissibility of the coincidence evidence sought to be relied upon by the prosecution and in lieu thereof it is ruled that the proposed coincidence evidence is inadmissible.

Dated this 1st day of April, 2010.



ACTING REGISTRAR OF THE COURT OF APPEAL