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IN THE SUPREME COURT OF SOUTH AUSTRALIA
APPELLATE JURISDICTION

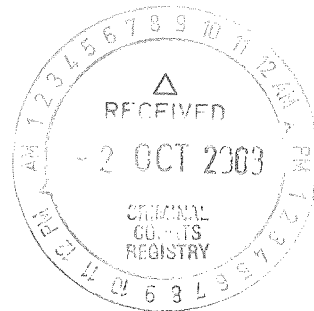
No. of 2003

BETWEEN:

BRIAN MORRIS BERTRAM PERKINS
Appellant

-and-

THE QUEEN
Respondent



NOTICE OF APPEAL

Date of document:	2003
Filed on behalf of the:	Applicant
Filed by:	Nicholas Vadasz Barrister & Solicitor Holden Hill Chambers 2 Sudholz Road WINDSOR GARDENS SA 5087 Telephone: 8367 5004 Mobile: 0407 733 000 Facsimile: 8367 5014 L696
Settled by:	
Date and time of filing or transmission:	

In the Supreme Court
SCCRM - of 2003

QUEEN v BRIAN MORRIS BERTRAM PERKINS

Notice of Appeal or Notice of Application for leave to appeal against conviction or Sentence by a Defendant.

Explanatory Note

This form is for use by a person who, pursuant to Section 352(1)(a) or Section 352(1)(c)(ii) of the Criminal Law Consolidation Act, 1935, wishes to appeal from the Supreme Court or the District Court against conviction, or seek leave to appeal against such a conviction, to seek leave to appeal against sentence or to apply for an extension of time to do any of those things.

The procedures governing all such matters are as provided in the Rules of Court of the Supreme Court known as the Supreme Court Criminal Appeals Rules 1996 as amended from time to time.

The full text of the relevant subsections of Section 352 of the Criminal Law Consolidation Act 1935 ("the Act") appears at the foot of this form.

A. Particulars of Appellant

1. Full name: Brian Morris Bertram Perkins
2. Usual residential address: Yatala Labour Prison
1 Peter Brown Drive
NORTHFIELD SA 5085
3. If in custody, state where detained: as above
4. Address for service of notices and other documents:

NICHOLAS VADASZ
BARRISTER & SOLICITOR
HOLDEN HILL CHAMBERS
2 Sudholz Road
WINDSOR GARDENS SA 5087

B. NATURE OF NOTICE. ANSWER "Yes" or "No" in every square

- | | | |
|----|--|--|
| 5. | Appeal against conviction, no leave being required.
An extension of time sought. | <input type="text" value="NO"/>
<input type="text" value="N/A"/> |
| 6. | Application for leave to appeal against conviction.
An extension of time is sought. | <input type="text" value="NO"/>
<input type="text" value="N/A"/> |
| 7. | Application for leave to appeal against sentence.
An extension of time sought | <input type="text" value="YES"/>
<input type="text" value="N/A"/> |

C. Particulars of Conviction and Sentence

8. Did your conviction follow a trial at which you pleaded "Not Guilty"?

No.

9. Date of conviction (whether following trial on your plea of guilty)

12 September 2003.

10. Court which convicted – District Court

11. Offences or offence for which convicted

Two counts of causing a child to expose his body, two counts of indecent assault and one count of inciting a child to do an indecent act

12. Date of sentence: 12 September 2003

13. Particulars of sentence:

Head sentence of 10 years and 6 months non-parole period 6 years.

D. Particulars of Certificate under Section 352(1)(a)(ii)

14. Did the Judge whom you were tried give a certificate that the matter is a fit case for appeal?

N/A

E. Grounds of appeal against conviction (whether or not leave to appeal is required and whether or not an extension of time is sought).

15. The following are the grounds of appeal against conviction. Where leave to appeal or an extension of time or either or both those things are sought, the grounds are those upon which the appeal will be made if leave is given or an extension of time is granted as the case may be. (The grounds of appeal must be particularised and reference is to be made to the page numbers of the relevant passages in the evidence, in any legal argument, in any rulings, in any reasons for judgement and in summing-up).

Not applicable.

F. Grounds upon which leave to appeal is sought (Answer this whether or not an extension of time is sought)

16. If the application is for leave to appeal against conviction, or leave to appeal against sentence, set out the grounds upon which such leave is sought:-
- a) The head sentence and non-parole period are, in all the circumstances, manifestly excessive.

G. Presence of appellant at the hearing (Answer "Yes" or "No" in each square)

17. I desire to be present –

on the hearing of the appeal

Yes

on the hearing of the application for leave to appeal

No.

on the application for an extension of time

N/A

H. Application for an extension of time to appeal

18. If the notice of appeal, or the notice of application for leave to appeal, is out of time, and an extension of time is sought, state the reasons for the delay in the giving the notice, and the grounds upon which the Court will be asked to extend time.
- Not applicable.

I. Argument in Writing

19. If it is intended that the Full Court consider the appeal or application upon the basis of an argument in writing, set out the argument hereunder, or in a separate annexed document in which event state "argument in writing annexed".
- Not applicable.

Dated this 8 day of Oct 2003

(signed) 

signature or mark of appellant