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IN THE SUPREME COURT

CRIMINAL JURISDICTION

ADELAIDE

APPLICATION FOR PERMISSION TO APPEAL

BEFORE THE HONOURABLE JUSTICE SULAN

NOS.160/2009 & 161/2009

R V WILLIAM JOHN KEITH ELLIS

Sandi McDonald
Level 8

TRANSCRIPT OF PROCEEDING

FRIDAY, 31 JULY 2009 AT

MS C. MEALOR FOR PROSECUTOR

MR B. SALE FOR APPLICANT

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MR SALE: I commence with an apology about the
filing of the amended grounds. I have provided your
Honour with the original this morning. I only got to
meet with counsel yesterday afternoon. There has been
some tinkering with the language on the grounds that I
showed Ms Barnett on Monday, but they don't materially
change what is being argued, as I understand it.
In terms of the submissions in respect of sentence I
understand my learned friend has a position in terms of
conceding leave, so perhaps I'll allow her to speak to
that.

MS MEALOR: That's the case. In relation to the
ground in relation to sentence it is conceded that that
ground is arguable.

HIS HONOUR: That the non-parole period should have
been shorter?

MS MEALOR: Yes. And in relation to the grounds of
appeal relating to conviction which your Honour has,
earlier in the week Ms Barnett indicated that we agreed
they were all questions of law. Having considered them
since Monday, in my submission ground 1 is actually a
question of mixed fact and law. That said, it is so
obviously intertwined into grounds 2 and 3 that we
concede that ground and thus it should be heard before
the Court of Appeal.

HIS HONOUR: Thank you. I've given leave to file the
amended grounds, haven't I?

COUNSEL: Yes.

HIS HONOUR: Permission to appeal will be granted in
respect of ground 1 of the amended grounds and, insofar
as it's necessary, on grounds 2 and 3, although I accept
that they are probably matters of law and not mixed law
in fact. As to appeal against sentence, permission to
appeal is granted.

MR SALE: Thank you.

ADJOURNED 9.33 A.M.

