

SENTENCE APPEALS

An offender or the Crown can appeal against a sentence.

Learning outcomes

Students will:

- describe the court hierarchy in Queensland and its criminal jurisdiction
- explain the appeals process as this applies to appeals against sentence
- select legal information, analyse legal issues about criminal justice and evaluate legal situations involving the appeals process where a sentence is not considered to be appropriate

Focus question

How does the appeal process work?

Key concepts

appeal

criminal offence

District Court of Queensland

grounds of appeal

hierarchy

Queensland Magistrates Courts

jurisdiction

Supreme Court of Queensland

High Court of Australia

This resource has been designed to be used with the [Queensland Sentencing Guide](#).

Getting started

Ask students to brainstorm a list of reasons a party might appeal a sentence.

Curriculum links

This learning resource has been developed for students studying Legal Studies 2020 (General Senior Syllabus) in Year 11.

It ties in with Unit 1: Beyond reasonable doubt, Topic 1: Criminal law foundations, Topic 3: Criminal trial process and Topic 4: Punishment and sentencing.



Further resources

The following websites may further enhance the learning outcomes associated with this resource:

Queensland Courts, [How to appeal](#)

Caxton Legal Centre Inc.,
[The Queensland Law Handbook](#)

Legal Aid Queensland,
[Appeals in criminal law matters](#)

Queensland Sentencing Advisory Council,
[Sentencing appeal process](#)

Supreme Court Library Queensland, [CaseLaw](#)

In some instances, the language used in these resources reflects that of the relevant educational syllabus as opposed to terms commonly used in Queensland legislation. For instance, the word 'retribution' is used in the syllabus, although 'punishment' is the closest equivalent used in legislation.

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Your turn

Open the [Queensland Sentencing Guide](#) and read pages 31-32, then answer the questions below.

1. Identify who can appeal against a sentence.
2. Identify which court can hear an appeal from each of the following:
 - a. Queensland Magistrates Courts
 - b. District Court of Queensland
 - c. Supreme Court of Queensland
 - d. Court of Appeal
3. Identify the length of time a party has to appeal a sentence. Can this be extended?
4. The Attorney-General has a right to appeal. Does an offender? Why do you think this is the case?
5. Explain the different grounds of appeal.
6. Identify how many judges sit to hear an appeal in the Court of Appeal. What about other courts?
7. What does an appeal court need to find happened before it will change a sentence? What are some practical examples of this finding?
8. How is an appeal to the High Court of Australia different to an appeal to a Queensland court?
9. Locate the judgment, *R v Renata; Ex parte Attorney-General (Qld)* [2018] QCA 356. Read the judgment and answer the following questions:
 - a. Which court heard the appeal? Why was this the case?
 - b. Which judge(s) heard the appeal?
 - c. Where was the appeal heard?
 - d. Which party appealed the sentence?
 - e. What was the ground of the appeal?
 - f. Analyse both the appellant's and respondent's submissions. Who did you find more convincing?
 - g. What were the orders of the court? What were the reasons for its decision?