

2026: Second Quarter

Note to readers:

The Sentencing Round-Up includes information on select court decisions published 1 April to 30 June 2026 as identified by the Council. It is not intended to be exhaustive. Decisions and cases in this document may be subject to further appeal.

Queensland Court of Appeal decisions

<i>R v Laughton</i> [2026] QCA 58.....	2
<i>R v MKQ; Ex parte Attorney-General (Qld)</i> [2026] QCA 66.....	2
<i>R v Venzlouskas</i> [2026] QCA 69.....	3
<i>R v DYV</i> [2026] QCA 74.....	3
<i>R v SFC</i> [2026] QCA 93.....	3
<i>R v Griffith</i> [2026] QCA 111.....	4
<i>R v Lekic</i> [2026] QCA 115.....	4

District Court s 222 Appeals

<i>Hartup v Queensland Police Service</i> [2024] QDC 237 (published 16 April 2026)	5
<i>Cowcill v The Queensland Police Service</i> [2026] QDC 55	5
<i>Penemenos v Queensland Police Service</i> [2026] QDC 57	5
<i>Boubaris v Commissioner of Police</i> [2026] QDC 90	6
<i>Cox v Commissioner of Police</i> [2026] QDC 92 (delivered 11 February 2026, published 23 June 2026)	6

Childrens Court of Queensland

<i>TDH v Officer of the Director of Public Prosecutions</i> [2026] QChC 4.....	7
<i>LGT v Office of the Director of Public Prosecutions</i> [2026] QChC 10	7

R v Laughton [2026] QCA 58

Keywords: good character; parole eligibility date; sexual offences against a child; parole eligibility after one-third.

An application for leave to appeal against sentence was dismissed. The applicant pleaded guilty to 19 sexual offences against an 8-year-old boy with autism, including 6 rapes. He was sentenced to 9 years' imprisonment (head sentence), with no parole eligibility date fixed (meaning he will be eligible for release on parole on the day after half of the sentence has been served, being 4.5 years).

On appeal, the applicant argued that his non-parole period was manifestly excessive, and he should be eligible for release on parole after 3 years' imprisonment because he pleaded guilty (the one-third rule). The Court rejected that argument and found the sentence was not manifestly excessive.

The Court considered that comparable cases and his moral culpability could have supported a sentence in the range of 10 to 12 years imprisonment, 'having regard to the community's view concerning the need for retribution, denunciation, deterrence, community protection and vindication'. [8] As a sentence of 10 years or more would require Laughton to serve 80 per cent of the sentence before being eligible for release on parole, the head sentence was reduced to 9 years' imprisonment to take into account the mitigating factors. The Court of Appeal considered that setting an earlier parole eligibility date than the legislated default of one day after 50 per cent, would 'over-emphasise the mitigating features'. [24]

In addition, the Court held that applicant's good work history had 'little mitigating effect' as 'his serious, intense and persistent offending, exploiting the child and the relationship with his parents' meant there was 'little weight to the suggestion that it was "out of character" or that the applicant was in any sense a "good" person'. [21]

R v MKQ; Ex parte Attorney-General (Qld) [2026] QCA 66

Keywords: A-G appeal; compensation orders; exposure to DV as a mitigating factor; grievous bodily harm; imprisonment with no actual custody.

The Attorney-General's application to appeal against sentence was dismissed. MKQ was sentenced to 2 years' imprisonment with immediate release on parole (meaning no actual time in custody was served) and an order to pay compensation, for grievous bodily harm. The issue on appeal was whether requiring no actual time to be served made the sentence manifestly lenient.

MKQ punched a stranger in the face during an altercation in a nightclub. The victim suffered severe jaw and dental injuries, requiring surgery that left him \$19,500 out of pocket. The victim's impact statement detailed ongoing pain, financial hardship, and delays in completing his apprenticeship, while his parents described the harm they witnessed.

MKQ, aged 21 with no prior criminal history, had pleaded guilty and saved \$8,000 towards compensation. He completed a 10-week anger management course, apologised to the victim, and provided character references suggesting the violence was out of character. His mother's letter described MKQ's exposure to domestic violence as a child.

The sentencing judge acknowledged that for personal violence, rehabilitation is not the primary consideration for young offenders, but it was more beneficial for the victim to receive MKQ's compensation than to have MKQ serve a short prison term. The Court of Appeal found no error and declined to intervene, noting that by the time of appeal, MKQ had complied with parole, continued paying compensation, made significant progress in rehabilitation, and that his exposure to domestic violence was a significant mitigating factor. The Court of Appeal rejected an argument that in cases of personal violence, 'general deterrence and denunciation will always outweigh the other relevant sentencing principles so as to require the offender to serve some actual period in custody'. [4], see also [41]

R v Venzlouskas [2026] QCA 69

Keywords: application to adduce further evidence; updated psychological evidence; custody in the Maximum Security Unit (MSU).

An application to adduce new evidence and an application for leave to appeal against sentence were dismissed. The applicant had been sentenced to 9 years' imprisonment (head sentence) with a Serious Violent Offence declaration, for committing violent offences against Queensland Corrective Services officers. The applicant had already spent over a year in prison, which was not declared as time served.

On appeal, the applicant argued that his continued placement in the MSU of the prison was relevant and made the sentence manifestly excessive. In the MSU, he was separated from other inmates and had restricted time outside his cell. At the time of the appeal, the applicant had been housed in the MSU for over 5 years since the incident. A new report confirmed that, due to his mental state and high propensity for violence, he was unlikely to be released from the MSU in the foreseeable future. The applicant contended that this made his sentence manifestly excessive.

The Court of Appeal applied the strict test for admitting new evidence on appeal, which requires the evidence to serve the interests of justice or prevent a miscarriage of justice. [9] The Court determined that the substance of the new evidence had already been presented to the sentencing court through other evidence. Additionally, the likelihood of the applicant's continued placement in the MSU was apparent and had been considered during the original hearing, even if not explicitly referenced. The Court refused the application to adduce further evidence. It also concluded that, even if the new evidence had been admitted, it would not have demonstrated that the sentence was manifestly excessive.

R v DYV [2026] QCA 74

Keywords: child offender; duration of intent; murder.

An application for leave to appeal against a head sentence of 16 years' detention with release after serving 60 percent of the sentence, for murder, was refused. DYV was 16 years and 3 months old when he stabbed the 70-year-old victim in front of her 6-year-old granddaughter in a shopping centre car park. DYV pleaded guilty.

DYV argued the sentence was manifestly excessive and that the sentencing judge erred by failing to take into account that, while he had intention to cause grievous bodily harm, the intention was brief. The Court of Appeal considered the sentencing judge acknowledged that the act was not premeditated, but as DYV had also disguised his face, armed himself with a knife and planned to steal a car, he had acted with determination.

Having regard to comparable authorities, the Court of Appeal found that the head sentence of 16 years' detention was not affected by error and was not plainly unjust or unreasonable.

Note: The offending occurred before the commencement of the *Making Queensland Safer Act 2024* (Qld). Had the current legislative framework applied, DYV would have been subject to a mandatory life sentence and a mandatory minimum non-parole period of 20 years.

R v SFC [2026] QCA 93

Keywords: child offender; separation report; special circumstances.

An application for leave to appeal a sentence of 2 years' detention with release after 50 per cent of the sentence served for 4 offences, including armed robbery in company and dangerous operation of a vehicle, was refused.

SFC argued the sentencing judge erred by not taking into account a 'Separations Report', which set out how he had spent his 208 days in detention on remand, including the amount of time he was confined to his room each day. The Report revealed there had been a number of days SFC was confined to his room for a whole day. The Court of Appeal found that the Report had been taken into account and was explicitly referred to by the sentencing judge. The Court of Appeal further inferred the sentencing judge also took the Report into account, along with his plea of guilty, in deciding that there were special circumstances warranting SFC be released after 50 per cent, rather than 70 per cent.

Considering the sentences given to the co-offenders, the Court of Appeal found that even if there had been an error, there was no basis to conclude a different sentence ought to have been imposed.

R v Griffith [2026] QCA 111

Keywords: co-operation with the administration of justice and serious offending; life imprisonment; non-parole period beyond mandatory minimum; repeated sexual conduct with a child.

An application for leave to appeal against a sentence of life imprisonment, which included a non-parole period of 27 years, was refused. The applicant, described as a 'serial paedophile', sexually abused 69 young girls in daycare centres over 20 years. He filmed and photographed his abuse of 68 victims, accessed child exploitation material on darknet websites, and uploaded videos of his own offending.

The applicant pleaded guilty to an ex officio indictment, meaning the case proceeded very quickly from the Magistrates Courts to the Supreme Court for sentence, without requiring police to prepare a full brief of evidence. During the investigation, he significantly co-operated with police to identify the childcare centres and victims.

The sentencing judge deemed a life sentence was an appropriate head sentence and imposed this for the repeated sexual conduct offences and penile rapes. The court was required to set a non-parole period, no less than 15 years' imprisonment. The judge initially considered a 30-year non-parole period, but reduced this to 27 years to recognise the applicant's early guilty plea and cooperation with police.

On appeal, the applicant argued the non-parole period was manifestly excessive. The Court highlighted the severe impact of his crimes on the child victims, their families, and the broader community (referencing *R v Lian* [2023] SASCA 122, *The Queen v Friesen* [2020] 1 S.C.R. 424 (Supreme Court of Canada), and the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse (2017)). The Court concluded that the applicant's actions warranted the strongest denouncement, condign punishment, and a sentence with a significant deterrent effect. The Court of Appeal found the applicant's appeal downplayed the harm caused to his victims and overstated the significance of his cooperation and dismissed the appeal.

R v Lekic [2026] QCA 115

Keywords: money laundering; manifestly excessive; mental impairment; general deterrence; moral culpability; general deterrence.

An application for leave to appeal against sentence was allowed. A head sentence of 3 years' imprisonment with parole release after 3 months, for recklessly engaging in money laundering, was reduced to 2 years' imprisonment, with immediate parole.

Over approximately 4 months, bank accounts the applicant controlled were used to launder over \$450,000. There was no evidence she received any profit or gain. The offending occurred less than 6 months after she had received a formal police warning that similar conduct constituted money laundering.

The applicant pleaded guilty. At the time of the offending, she was 69 and 70 years old, in receipt of a disability support pension and lived alone. The applicant had been diagnosed with depression, but her symptoms worsened after the death of her husband, youngest son and later the ex-partner of her middle son who she considered a daughter, and her house was badly damaged in a cyclone. An expert report considered she met the criteria for diagnosis including Post-Traumatic Stress Disorder and high-functioning ASD, which 'obscured her intent' and 'blinded her judgement'. [23]

On appeal, the Court accepted there was a factual error, but that it had no material effect on sentence. However, the Court found the head sentence was manifestly excessive when compared to other more serious cases. In addition, although the court considered matters in mitigation (the applicant's age, serious health conditions, early guilty plea, low risk of reoffending and psychological evidence that her conditions impaired her ability to appreciate the consequences of her actions), the judge placed too much weight on the amount of money laundered and the prior police warning she received. The Court affirmed that her mental conditions reduced her capacity to understand the consequences of their conduct, which lessened her moral culpability and reduced the weight to be given to general and personal deterrence [57] (citing *R v Goodger* [2009] QCA 377, [21]; *R v Yarwood* (2011) 220 A Crim R 497, [22]–[26]).

Hartup v Queensland Police Service [2024] QDC 237 (published 16 April 2026)

Keywords: contravention of a domestic violence order (CDVO); suspended sentence or probation.

An appeal against sentence for CDVO was allowed, and a sentence of 4 months' prison wholly suspended was set aside, and a 12-month probation order with no conviction recorded was ordered.

The appellant was found outside the premises of the aggrieved, despite the condition of a DVO that he was not to approach within 50m of the address. When police arrived, he ran inside the address and away from police. The Court found the sentencing magistrate failed to take into account one day of presentence custody and the wholly suspended prison sentence was manifestly excessive. Both these points were conceded by the respondent.

The appellant was 24 years old, had a relevant but limited criminal history, pleaded guilty at an early stage, voluntarily surrendered himself to police shortly after the offence, and had commenced domestic violence and drug and alcohol counselling.

The Court observed that, while committing a CDVO was serious and required denunciation and deterrence, it was not the most serious example of offending and, significantly, he presented himself to police. In resentencing, the Court emphasised community protection would best be achieved by his rehabilitation and imposed a probation order for 12 months, with no conviction recorded.

Cowcill v The Queensland Police Service [2026] QDC 55

Keywords: entering a commercial vehicle vs commercial premises; parole release after one-third of the sentence.

An application for appeal against head sentence of 2 years' imprisonment with release after 8 months' served, was dismissed, for multiple property offences.

An issue on appeal was whether the sentencing magistrate mischaracterised the most serious enter premises offence, as it was in respect of a car and unlocked canopy (breaking the gate to the yard was context). The judge did not agree and considered '[t]he form of the premises, whether vehicle or building, is less significant than its function as the repository of the enterprise's tools and assets, and the harm caused when that security is violated'. [29] While each case turns on its own facts, in this case, a commercial vehicle can be treated similarly to a commercial building.

It was also argued that the parole release date should have been set at a date earlier than one-third of the sentence. The judge confirmed that while a parole release date at one-third is usual practice, there is no set rule and it remains a matter of judicial discretion, having regard to the circumstances of the offence and offender. [40] In this case, a parole release date at one-third was appropriate.

The judge discussed various comparable cases and noted that while they provide valuable guidance, the context of each offence and offender differs and it was ultimately about the 'circumstances of the offending and the degree of culpability of the offender'. [52] The appellant was a mature offender, on probation for similar offending at the time, he had not engaged with probation, and was driven to offend by his lifestyle and drug use, targeting commercial buildings and cars. For the totality of his offending, while 2 years' imprisonment was at the higher end of the range, it was not excessive.

Penemenos v Queensland Police Service [2026] QDC 57

Keywords: assault occasioning bodily harm; comparable cases; mental health and general deterrence; reduced moral culpability.

An application for appeal against sentence was allowed in part, the parole release date was reduced, to be the date of appeal, with the head sentence of 18 months' imprisonment remaining. The appellant pleaded guilty to an unprovoked assault causing bodily harm while in company with a co-offender, and stealing the victim's iPhone, which occurred in a 'safe night precinct' while he was intoxicated.

In considering the comparable cases, it was noted that lower sentences and earlier parole release dates were ordered where there was an early plea of guilty, youth or strong prospects of rehabilitation, minor injuries and minimal or minor criminal history. [88] In comparison, higher sentences and longer terms of imprisonment were found for offending committed in company or while armed, where there was continued violence after incapacitation, prior violent offending and where the victim was older or more vulnerable. [89] The District Court held the head sentence of 18 months' imprisonment was within range (*R v Ball* [2012] QCA 51; *R v Lude*; *R v Love* [2007] QCA 319).

However, the parole release date did not give sufficient weight to the medical evidence, including diagnoses of several mental health conditions, which supported that the appellant was more vulnerable to offending, with a reduced moral culpability. The judge cautioned:

It is not sufficient to simply list the diagnosis without consideration of their impact. That is not to say all medical conditions deprive an offender of responsibility, but they do need to be taken into account. [71]

The Court noted that mental impairment may mean an offender is not an appropriate vehicle for general deterrence (*Muldrock v The Queen* (2011) 244 CLR 120). However, unlike the offender in *Muldrock*, the appellant did not suffer from such severe cognitive impairment that general deterrence should be given little weight, and in this case it remained an important sentencing consideration. However, his rehabilitation and specific deterrence would be met by his continued treatment with his psychologist and psychiatrist in the community, and therefore an earlier parole release date was justified.

Boubaris v Commissioner of Police [2026] QDC 90

Keywords: driving while disqualified; imprisonment and hardship of sentence to family.

An application to appeal a sentence of 15 months' imprisonment for two offences of driving while disqualified by court order was dismissed. The 40-year-old appellant was subject to a 3.5 years' driving disqualification order and had been imprisoned for disqualified driving in the past. He had 13 pages of traffic offences including dangerous operation of a vehicle, unlicensed or disqualified driving, drink and drug driving.

On appeal, it was argued that the magistrate did not give enough weight to the probable impacts the sentence would have on his family, and allowing him to stay in the community was preferable. It was explained that he drove to help family members, and he had made efforts at rehabilitation.

The magistrate considered there was a 'need to send a clear deterrent message, which can only be achieved by a period of imprisonment to serve actual time'. [16] The judge agreed, stating:

the gravamen of the offending was in the appellant's disregard for orders of the court. In this sense the offence of driving while disqualified by a court order is best understood as an offence against the administration of justice. It is different from other traffic offences for this reason. The fact that the appellant was not committing other traffic offences at the same time does nothing to diminish the seriousness of his conduct. [23]

Cox v Commissioner of Police [2026] QDC 92 (delivered 11 February 2026, published 23 June 2026)

Keywords: licence disqualification vs licence suspension; special hardship order.

The District Court allowed an appeal against sentence for disobeying a speed limit by more than 40 km/h. The appellant was fined \$1,954 and disqualified from holding a driver licence for 6 months. The fine was upheld, but the court ordered licence disqualification was set aside, because there was an automatic 6-month suspension period upon conviction.

The appellant drove 115km/h in a 60km/h zone. He received a ticket (Traffic Infringement Notice) with a penalty of \$1,854. He elected to have the matter heard in Court. He pleaded guilty. When sentencing, the magistrate imposed a \$1,954 fine and disqualified him from driving for 6 months. On conviction he also received a 6-month automatic licence suspension.

The District Court judge found the sentencing magistrate was not properly informed that a conviction for this offence automatically attracted a 6-month licence suspension and that a court ordered licence disqualification would mean the appellant was not able to apply for a special hardship order.

The Court found that the magistrate intended that the appellant would retain the ability to apply for a special hardship order. However, a disqualification (instead of automatic suspension) removed that avenue and resulted in a more onerous outcome than was intended. The sentence was therefore excessive, and the appeal was allowed, removing the disqualification (the automatic suspension remaining in force).

TDH v Officer of the Director of Public Prosecutions [2026] QChC 4

Keywords: circumstance of aggravation; jurisdictional error; meaning of 'dangerous weapon'; sentence review powers.

An application for sentence review was allowed and TDH was resentenced to 9 months' probation for property and vehicle offences. The original 12-month probation order and 9 months' detention to be served by way of a 3-month conditional release order was set aside. The respondent agreed the sentence was excessive and given TDH's compliance and positive performance with the order since the sentence, agreed the sentence should be reviewed.

One issue involved the jurisdiction to sentence TDH for the offence of unlawful use of a motor vehicle with a circumstance of aggravation (because he had a knife). The Childrens Court (Magistrates Court level) did not have the power to sentence TDH for this offence, it should have been committed to a higher court. TDH argued the circumstance of aggravation was not proved on the facts and could be removed. The Court held that its powers under ss 123 and 125 of the *Youth Justice Act 1992* (Qld) were broad enough that a judge may make any other order a magistrate could have made and therefore could set aside the guilty plea, amend the charge and accept a new plea to an offence within the magistrate's jurisdiction.

The Court discussed the meaning of 'dangerous weapon' and found the facts of this case did not establish the circumstance of aggravation. In resentencing, the Court took into account the TDH's early guilty plea, lack of prior court appearances, 58 days spent in custody, diagnoses of ADHD, autism spectrum disorder and anxiety, strong evidence of rehabilitation, engagement with Youth Justice and perfect compliance with the sentence order. The Court concluded that probation was the appropriate sentence for all offences.

LGT v Office of the Director of Public Prosecutions [2026] QChC 10

Keywords: fitness for trial; sentence review powers.

An application to reopen and review multiple past sentences imposed between 2023 and 2025 was allowed. The pleas of guilty were set aside and fresh expert evidence was allowed which indicated LGT was likely unfit for trial at the time the pleas were entered.

LGT was aged between 11 and 12 years for most of the offending, had pleaded guilty and been sentenced on 7 occasions. Evidence established that he had significant cognitive impairments, including foetal alcohol spectrum disorder (FASD), ADHD, intellectual developmental disorder and complex developmental trauma (Complex Post-Traumatic Stress Disorder). On two occasions in 2025, a neuropsychologist considered his mental capacity and concluded that he lacked capacity to know he should not do an act, to understand legal proceedings and to instruct a lawyer. He was therefore unfit for trial on a permanent basis. Although this was based on his current functioning, the expert considered it was also highly likely that he was unfit for trial at his earlier sentences.

The Court held that the powers under ss 123 and 128 of the *Youth Justice Act 1992* (Qld) were broad enough to permit guilty pleas to be set aside where fresh evidence demonstrated a likely lack of fitness for trial or to instruct counsel. The Court emphasised that a sentence review does not require error in the original sentence to be established.

Having accepted the expert evidence, the Court set aside the relevant sentence orders and guilty pleas. For indictable offences, the pleas were vacated to enable those matters to be referred to the Mental Health Court. For the simple offences, the complaints were dismissed under s 172 of the *Mental Health Act 2016* (Qld) on the basis that LGT was unfit for trial.