

HOLMES
v
THE STATE OF WESTERN AUSTRALIA
[2024] HCASL 13
P19/2023

1 The applicant applies for an extension of time to apply for special leave to appeal on the basis that the Court of Appeal of the Supreme Court of Western Australia (Buss P, Beech and Vaughan JJA) erred in dismissing an appeal against her conviction for murder. The applicant's sole ground of appeal in the Court of Appeal challenged a pre-trial ruling by the Supreme Court of Western Australia (McGrath J) admitting evidence of unrecorded admissions made by the applicant to the police. The proposed ground of appeal in this Court is whether the Court of Appeal was correct to conclude that there was a reasonable excuse for the absence of an audio-visual recording of the applicant's admissions because the admissions were made when it was not practicable to make a recording, as provided for in s 118 of the *Criminal Investigation Act 2006* (WA).

2 The proposed appeal raises no question of law of public importance and has insufficient prospects of success to justify an extension of time being granted.

3 Special leave to appeal is refused.

Gageler CJ
Gordon J
Edelman J
Steward J
Gleeson J
Jagot J
Beech-Jones J

8 February 2024