

VUOLO
v
FALL
[2024] HCASL 46
C14/2023

1 The applicant applies for an extension of time to file an application for special leave to appeal from an order of the Court of Appeal of the Supreme Court of the Australian Capital Territory (Baker, McWilliam and Abraham JJ) dismissing an appeal from the decision of a judge of the ACT Supreme Court (Kennett J) whereby the judge allowed an appeal from the sentencing Magistrate's orders not imposing a conviction but imposing a 12 months' good behaviour order on the applicant in respect of the proven offence of stalking his ex-partner on six occasions. Kennett J held the sentence imposed was manifestly inadequate and re-sentenced the applicant to a 12 months' good behaviour order with conviction.

2 The proposed appeal has insufficient prospects of success to warrant a grant of special leave and, further, is an inappropriate vehicle to consider the proper approach to s 17(2)(b) of the *Crimes Sentencing Act 2005* (ACT). In such circumstances, an extension of time would be futile.

3 Special leave to appeal is refused.

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

7 March 2024