

IERARDO
v
THE DIRECTOR OF PUBLIC PROSECUTIONS
[2025] HCADisp 40
M91/2024

- 1 The applicant requires an extension of time within which to seek special leave to appeal from a judgment of the Court of Appeal of the Supreme Court of Victoria (Niall, Taylor and Boyce JJA) refusing the applicant's application for leave to appeal against conviction by a jury in the County Court of Victoria (Judge Gaynor), and upholding the respondent's appeal against sentence on the basis that the sentences imposed were manifestly inadequate.
- 2 The Court of Appeal was correct that on any view the sentences for the rapes were manifestly inadequate and the Court of Appeal carefully applied principles of totality in the resentencing. In those circumstances, this appeal is not an appropriate vehicle to address any of the issues of principle concerning *Pearce v The Queen* (1998) 194 CLR 610 that are raised by the applicant. Accordingly, it would be futile to grant an extension of time.
- 3 Special leave to appeal is refused.

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

6 March 2025