

THE KING
v
SIMCOE
[2026] HCADisp 147
M22/2026

1 The applicant applies for special leave to appeal from the whole of the judgment of the Court of Appeal of the Supreme Court of Victoria (Kidd, Richards and Kaye JJA), which relevantly granted leave to appeal against a number of convictions, allowed the appeal, quashed the convictions, and ordered that there be a new trial.

2 Proposed appeal ground (a) is misconceived in that this is not a case of alleged juror misconduct which was not known before conviction – it is a case only of a failure of disclosure by the Court to parties of a juror question that was known by the Court (but not the parties) before conviction. Proposed appeal ground (b) does not raise a question of law of public importance as whether an error or irregularity is fundamental or not depends on the circumstances of the case. In the circumstances, it is not in the interests of the administration of justice for special leave to appeal to be granted.

3 Special leave to appeal is refused.

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

11 June 2026