

DAVIS

v.

THE QUEEN

ORDER

Application for leave to appeal refused.

DAVIS

v.

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JUDGMENT

ORAL

BARWICK C.J.

McTIERNAN J.

STEPHEN J.

MASON J.

JACOBS J.

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In this application for leave to appeal against a conviction in the Supreme Court of the Northern Territory of murder, counsel for the applicant has submitted that there was no evidence to go to the jury on a charge of murder, or, as it is said, of felony murder, and that the jury, having acquitted the accused of the other deceased's death and thus, as counsel claimed, negating a case of common design, the verdict which they have returned could not be supported:

Mr. Foord has taken us through the necessary parts of the transcript and we think has fairly put us in possession of all the material that is necessary to be known to resolve the question as to whether leave should be granted. He also has, very fully and with capacity, put the various arguments and, as we think, all the various arguments that could be put in support of the submissions he has made. Much of what he put to us was discussed and answers offered during the course of the discussion and there is no need for us to advert to them. We have had an opportunity of considering what should be done with the motion and the Court has

come to the conclusion that this is not a case in which we should grant leave to appeal. Accordingly, the application is dismissed.

IN THE HIGH COURT OF AUSTRALIA

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## REASONS FOR JUDGMENT

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Oral Judgment delivered at SYDNEY  
on THURSDAY, 13 NOVEMBER 1975

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RM74/30574