

**FOLEY'S FEBRUARY CRIMINAL LAW CPD SERIES**  
**– WEDNESDAY 2 MARCH, 2022**

**RECENT DECISIONS IN THE COURT OF APPEAL**

1. **Errors made by sentencing judges: some errors to watch out for.**
  - 1.1 “Standard sentence offences”
    - DPP v Amaral [2020] VSCA 290;
  - 1.2 “Serious offender” provisions
    - Dimovski v R [2022] VSCA 6.
2. **An appeal against sentence: the sequential steps undertaken by the Court of Appeal.**
  - Dimovski v R [2022] VSCA 6, at paras. [27] – [28] & [45] & ff.
3. **The correction of errors**
  - 3.1 Limits upon the power of the sentencing judge: s. 412 of the Criminal Procedure Act, 2009
    - Dimovski v R [2022] VSCA 6, at paras. [40] – [44];
  - 3.2 The Court of Appeal’s power of amendment: s. 165 of the Criminal Procedure Act, 2009
    - DPP v Amaral [2020] VSCA 290.

4. **The drafting of plea indictments for sexual offences.**

- DPP v Amaral [2020] VSCA 290.

5. **Coincidence reasoning: the applicable principles.**

- Leonard v R [2021] VSCA 172.

6. **Double punishment other than in the context of sentencing.**

6.1 Staying the trial of a charge on an indictment

- Allison v R [2021] VSCA 308;

6.2 Appeal against conviction

- Hutchison v R [2021] VSCA 235.

7. **Some applications of the principle of totality**

7.1 Where offending results in cancellation of parole

- DPP v Bowen [2021] VSCA 355.

7.2 Where offender previously sentenced interstate for related offending

- Butler (a pseudonym) v R [2021] VSCA 129.

8. **Second or subsequent appeals against conviction**

- Roberts v R [2020] VSCA 277.

- Meade v R [2021] VSCA 74.

9. **Sentencing principles relevant to the COVID-19 pandemic**

- Worboyes v R [2021] VSCA 169.

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