

# FOLEY'S | LIST

## UNRESOLVED ISSUES FROM THE RECENT DECISIONS OF THE COURT OF APPEAL

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## FOLEY'S LIST – FEBRUARY 2015 SEMINARS

### UNRESOLVED ISSUES FROM THE RECENT DECISIONS OF THE COURT OF APPEAL

1. The imposition of sentences for multiple offences and the avoidance of “double punishment”.
  - Ly Dang v R [2014] VSCA 49.
  
2. The potential consequences of the imposition of an aggregate sentence in accordance with s. 9 of the Sentencing Act, 1991.
  - Saxon v R [2014] VSCA 296.
  
3. “Serious sexual offenders” and the imposition of cumulative sentences in accordance with s. 6E of the Sentencing Act, 1991.
  - Barbat v R [2014] VSCA 202.
  
4. The failure of a sentencing judge to make a declaration under Part 2A of the Sentencing Act, 1991 that the offender is a “serious...offender”.
  - Van Ha v R [2014] VSCA 335.
  
5. The obligations imposed upon a trial judge when a view is conducted – ss. 53 & 54 of the Evidence Act, 2008.
  - Van Ha v R [2014] VSCA 335.

6. Common law rules of evidence that persist despite the introduction of the Evidence Act, 2008.
  - Haddara v R [2014] VSCA 100.
  - DPP (Cth) v Galloway [2014] VSCA 272.
7. Evidence of prior inconsistent statements adduced pursuant to ss 38(1)(c) and 43 and 106 of the Evidence Act, 2008.
  - SLS v R [2014] VSCA 31
  - Power v R [2014] VSCA 146
8. Some implications of the CCO guideline judgment:
  - Boulton & Ors v R & Ors [2014] VSCA 342

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Thursday 26 February 2015