Sentence Appeals in Victoria: Higher Courts

# What Did the Sentencing Advisory Council Study?

The Sentencing Advisory Council studied the outcomes of appeals that were finalised by 31 December 2016 from cases originally sentenced in the County and Supreme Courts in Victoria in 2013–14.

Number of cases sentenced in 2013–14: **1,910**. Number of cases appealed by 31 December 2016: **230**

Number of Crown appeals: **23**:

* Dismissed: **7**
* Allowed: **16**

Number of offender appeals: **209**:

* Conviction only: **49**
* Conviction and sentence: **24**; becomes sentence appeal only: **17**
* Sentence only: **136**

For sentence appeals only:

* Leave refused: **73**
* Other: **3**
* Leave granted: **77**

Where leave granted:

* Abandoned: **3**
* Allowed: **44**
* Dismissed: **30**

# Number of Sentences Appealed

Of the 1,910 sentences imposed during 2013–14, 97% were either unchallenged or unsuccessfully appealed.

In the remaining cases, offenders were successful in appealing their sentence in 44 of 153 cases (29%), and the Crown was successful in 16 of 23 cases (70%).

One appeal is counted twice because both the offender and the Crown appealed the sentence.

|  |  |
| --- | --- |
| Outcome | Number |
| Sentence unchallenged | 1,735 |
| Unsuccessful offender appeals | 109 |
| Successful offender appeals | 44 |
| Successful Crown appeals | 16 |
| Unsuccessful Crown appeals | 7 |

# Features of Sentence Appeals

## Types of sentences appealed (offender and Crown)

|  |  |
| --- | --- |
| Sentence type | Percentage |
| Imprisonment | 96% |
| Other sentence | 4% |

## Average proportional decrease in length of imprisonment sentence after successful *offender* appeal

|  |  |
| --- | --- |
| Sentence | Percentage |
| Total effective sentence | 20% |
| Non-parole period | 25% |

## Average proportional increase in length of imprisonment sentence after successful *Crown* appeal

|  |  |
| --- | --- |
| Sentence | Percentage |
| Total effective sentence | 70% |
| Non-parole period | 64% |

The full report is available for download from the Council’s website at www.sentencingcouncil.vic.gov.au