



Quiz

Fresh Evidence in Sentencing Appeals

1. What is the difference between fresh evidence and new evidence?
 - a. Fresh evidence is evidence that may have been discovered with reasonable inquiries, new evidence is evidence that was not capable of being discovered at the time the matter was originally dealt with
 - b. Fresh evidence and new evidence mean the same thing, they are interchangeable terms
 - c. Fresh evidence is evidence that parties simply forgot to bring forward, new evidence is evidence that was not capable of being discovered at the time it was originally dealt with
 - d. Fresh evidence is evidence that was not capable of being discovered at the time the matter was originally dealt with, new evidence is evidence that may have been discovered with reasonable inquiries
2. What was the effect of reducing Costello's head sentence?
 - a. For a sentence of 4 years or less, the court can order the immediate release to parole on the day of the hearing
 - b. Costello's head sentence was not reduced
 - c. For a sentence of 3 years or less, the court can order the immediate release to parole on the day of the hearing
 - d. There was no effect apart from the sentence being reduced

3. What sentence did Costello originally receive?
 - a. A head sentence of 3 years and 3 months, a non-parole period of 1 year and 10 months, and a parole period of 1 year and 5 months
 - b. A head sentence of 3 years and 5 months, a non-parole period of 1 year and 8 months, and a parole period of 1 year and 4 months
 - c. A head sentence of 3 years and 6 months, a non-parole period of 1 year and 11 months, and a parole period of 1 year and 5 months
 - d. A head sentence of 4 years and 3 months, a non-parole period of 1 year and 10 months, and a parole period of 1 year and 3 months

4. What was the relevant hardship experienced in *Stumbles v R* [2006] NSWCCA 418?
 - a. The Applicant's de facto partner had a terminal illness
 - b. The Applicant's second child was diagnosed with autism, secondary to his first child having already been diagnosed with autism
 - c. The Applicant's young child was diagnosed with a condition that affected the brain and the peripheral nerves
 - d. None of the above

5. What is the maximum penalty for an offence under s 52A of the *Crimes Act 1900* (NSW)?
 - a. 7 years
 - b. 10 years
 - c. 5 years
 - d. 12 years

Answers:

1. d 2. c 3. a 4. b 5. b