



## Quiz

### Appeals Against Sentence

1. To what court did Mr Engelbrecht appeal to directly from the Local Court?
  - a. Full Court of the Local Court
  - b. District Court
  - c. Court of Criminal Appeal
  - d. Federal Court
  
2. On what grounds did Mr Engelbrecht appeal from the Local Court?
  - a. Against the severity of the sentence
  - b. Against conviction
  - c. On an all grounds basis
  - d. None of the above
  
3. On what grounds did Mr Engelbrecht appeal from the District Court?
  - a. Reversal of the onus of proof
  - b. Miscarriage of justice from the admission of irrelevant evidence
  - c. Apprehended bias of the District Court judge
  - d. Jurisdictional error in the approach to s 17 of the *Crimes (Appeal and Review) Act 2001* (NSW)

4. Was Mr Engelbrecht successful in the Court of Appeal?
  - a. Mr Engelbrecht's sentence was not reduced
  - b. A majority agreed that the relevant transcript of the Local Court proceedings should have been considered by the District Court judge
  - c. Mr Engelbrecht was acquitted
  - d. Mr Engelbrecht's application for leave to appeal to the Court of Appeal was rejected
  
5. Are appeals pursuant to s 17 of the *Crimes (Appeal and Review) Act 2001* (NSW) heard as hearings 'de novo'?
  - a. *Engelbrecht v Director of Public Prosecutions (NSW)* [2016] NSWCA 290 is authority for the proposition that s 17 appeals are heard 'de novo'
  - b. *Engelbrecht v Director of Public Prosecutions (NSW)* [2016] NSWCA 290 is authority for the proposition that s 18 appeals are heard 'de novo'
  - c. *Engelbrecht v Director of Public Prosecutions (NSW)* [2016] NSWCA 290 is authority for the proposition that section 17 and 18 appeals are indistinguishable
  - d. Justice McColl found that s 17 appeals should be heard 'de novo' but neither of the other judges considered this question and thus the case is not authority for this proposition

Answers:

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