

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COURT OF APPEAL (CRIMINAL DIVISION)**

BETWEEN:

Christopher Dean Binse – Applicant

- and -

The King – Respondent

NOTICE OF APPLICATION FOR LEAVE TO APPEAL AGAINST CONVICTION

Date of Document: 2 February 2024
Prepared & filed by: Christopher Dean Binse
Residential address: Barwon Prison, 1140 Bacchus Marsh Rd Lara Victoria 3212
Address of service: Prison.Admin@justice.vic.gov.au

To the Registrar of Criminal Appeals:

I, Christopher Dean Binse am convicted of the offenses of: 3x Prohibited person possess firearm; 1 Theft, 1x Armed robbery; 1x Reckless conduct that may place another person in danger of serious injury, and I am a prisoner at Barwon Prison, 1140 Bacchus Marsh Road Lara Victoria.

I WISH TO APPEAL to the Court of Appeal under section 278 of the *Criminal Procedure Act 2009* against my conviction (particulars of which are set out below).

TAKE NOTICE that I apply to the Court of Appeal for leave to appeal my sentence on the grounds:

- Ground 1:** The Court was led into error and a miscarriage of justice occurred when counsel for the Applicant coerced the Applicant into a plea of guilt against his will.
- Ground 2:** Counsel for the Applicant perverted the course of justice when he denied the Court knowledge of the true facts and circumstances of the Applicant's case. [Note: this is not a complaint of incompetence of counsel].

3. **Ground 3:** Because of the error that the Court was led into, as stated in Ground 1 and 2, the Court subsequently failed in its s 6(2) (b) Charter obligation to conduct a fair hearing of the matter and to 'promote and protect' the Applicant's s 24(1) human right to a fair hearing.
4. **Ground 4:** Counsel for the Applicant perverted the course of justice when he denied the Court knowledge of the true facts and circumstances of the Applicant's case as it relates to an objective factual matter that was misrepresented, and then allowed the Court to proceed in its reasoning to rely on the factually false representation

Orders Sought:

An order that the convictions be quashed.

Date : 2 February 2024

Signature.

Chris Pectic/BINSE

PARTICULARS

1. **Applicants name:** Christopher Dean Binse
2. **Offense for which convicted:** 3 x Prohibited person possess firearm; 1 Theft, 1x Armed robbery; and 1x Reckless conduct that may place another person in danger of serious injury.
3. **Convicted at:** Melbourne Supreme Court.
4. **Sentencing Judge:** T Forrest.
5. **Date of Convictions:** 23 May 2014
6. **Sentence:** 18 years and 2 months imprisonment with a non-parole period of 14 years and 2 months.
7. **Date of Sentence:** 23 May 2014.
8. **Name and address of legal practitioner who represented appellant at trial:** Victoria Legal Aid, Melbourne Vic 3000.
9. **Name of counsel who represented appellant at trial:** Mr Saul Holt.

WRITTEN CASE MUST BE ATTACHED

1. This application for leave to appeal must be accompanied by a written case in support of the application.

2. A written case must comply with the requirement of any applicable practice note. Practice notes may be viewed at, and downloaded from, the website of the Supreme Court at

www.supremecourt.vic.gov.au

ORAL HEARING OPTION

I wish to have an oral hearing of my application: Yes.

I will be represented at the oral hearing by: Myself.

I wish to present personally at the oral hearing.

I do not wish to appeal by audio visual link at the oral hearing.

.....*Chris Pecotic / B. J. J. J.*.....

Signature of Applicant*2*.....February 2024.