

12/73

SUPREME COURT OF VICTORIA — COURT OF CRIMINAL APPEAL

R v O'CONNELL

Winneke CJ, Starke and Barber JJ

3 May 1973

CRIMINAL LAW - SENTENCING - PUBLIC SERVANT PLEADED GUILTY TO FIFTEEN COUNTS OF FRAUDULENT DISPOSAL OF CHEQUES - SUM OF \$651 IMPROPERLY OBTAINED - NO PRIOR CONVICTIONS - ACCUSED FINANCIALLY EMBARRASSED DUE TO PERSONAL CIRCUMSTANCES - MONEY NOT USED FOR BASE PURPOSES - SENTENCED TO SIX MONTHS' IMPRISONMENT - ACCUSED ENTITLED TO RECEIVE \$7000-8000 IN SUPERANNUATION AND LONG SERVICE LEAVE BENEFITS - COULD LOSE SAME UPON DISMISSAL FROM THE PUBLIC SERVICE - APPEAL ALLOWED AND SENTENCE SET ASIDE - ACCUSED RELEASED UPON A GOOD BEHAVIOUR RECOGNIZANCE IN THE SUM OF \$100 FOR THREE YEARS.

[Ed Note: The matters discussed by the Court of Criminal Appeal and the Court's conclusions in this appeal are not relevant to the Magistrates' Court]
