

SUPPLEMENTARY GAZETTE

**THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE**

PUBLISHED BY AUTHORITY

ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

ADELAIDE, WEDNESDAY, 13 AUGUST 2003

DIRECTOR OF PUBLIC PROSECUTIONS ACT 1991

Direction under Section 9 (2)

I, PAUL HOLLOWAY, Attorney General, having consulted with the Director of Public Prosecutions, pursuant to section 9 (2) of the Director of Public Prosecutions Act 1991, direct the Director of Public Prosecutions to appeal, pursuant to section 352 (1) (a) (iii) of the Criminal Law Consolidation Act 1935, to the Full Court against the sentence imposed upon Paul Habib Nemer by Justice Sulan on 25 July 2003, upon the following grounds which have been settled by the Solicitor General, and I further direct that the Director of Public Prosecutions brief the Solicitor General as counsel on the hearing of any proceedings relating to the appeal.

Grounds of Appeal

- (a) The learned sentencing Judge failed to properly take into account that the Respondent had discharged a firearm knowing that in so doing he might kill the driver of the van into which he had fired.
- (b) The learned sentencing Judge erred in that he failed to have regard to the fact that the gun handed in by the Respondent was not the entire gun used in the offence.
- (c) The learned sentencing Judge erred in finding that the respondent fired into the van whilst running towards it.
- (d) The sentence was manifestly inadequate.
- (e) There was no good reason to suspend the sentence and the exercise of the learned sentencing Judge's discretion to suspend miscarried.

Dated 12 August 2003.

PAUL HOLLOWAY, Attorney-General
