

Criminal Practice Rules 1999

Form 26 (Version 8)

Notice of Appeal or application for leave to appeal against conviction or sentence (for appeals other than under the *District Court of Queensland Act 1967, s118*)

(rules 65 and 66)

In the Court of Appeal, Supreme Court of Queensland

The Queen against [Simon Hickey](#)

YOU MUST TICK ONE OF EACH OF THE FOLLOWING:

I was dealt with as an Adult in the primary court.

A. I was found Guilty after a trial in the primary court.

I, [Simon Hickey](#) desire to appeal to the Court of Appeal against-

*[\(a\)](#) my conviction

1. **The details of my conviction are-**

Court	Magistrates Court of Brisbane
Judge:	Magistrate S Coates
Date convicted:	12 January 2021
Date sentence passed:	12 January 2021
Offence(s) of which convicted:	Breach of Restraining Order
Sentence:	Three months imprisonment (suspended)

The grounds of my appeal/application are-

The evidence does not support the conviction. **The charge was that I had uploaded material to the internet, which was in breach of a previous court order.** I was prevented from adducing evidence I had in (this) court at the time, which showed that another party had *access and control of the website in question during the period in which the offence was alleged to have occurred.* The evidence I intended to introduce were printed emails, and invoices /

receipts for payment to a company called SITE LOCKED which is not in Australia. These documents satisfy all the criteria of section 93 of the evidence act, in that

- they were made by a person during course of their business, and
- That person is not in Queensland to give oral evidence

This material and others, were refused by Magistrate Coates. I intended to give oral evidence as to the emails, and other printed material I had in relation to the website, **I asked that they be marked for identification as I began to give evidence, and I intended to tender them to the court as exhibits at the conclusion to my oral evidence. I know this is the correct procedure.** I know the evidence I intended to adduce was admissible under section 93 of the evidence act, and I am certain that the evidence was refused because the outcome of my trial had been decided in advance.

Further to that I was in NSW at all times during the period when the offence was alleged to have occurred. Queensland police do not dispute that. If there was to be a charge laid, it would have to be laid by NSW police and heard in a NSW court, because no element of the offence occurred in Queensland. No event occurred in Queensland at all concerning these events. I challenged the jurisdiction of this court at the beginning and S Coates ruled QLD had jurisdiction. This is impossible I only need one example to prove it. If Herald Sun was to be charged with printing material that was or had been ruled illegal, that trial could only be held in Victoria. *It could not under any circumstances* be held in Queensland. Even if a Queensland court made the order not to print it.

2. Details of the Appellant/Applicant:

Address of Appellant/Applicant: Simon Hickey
PO Box 1059 Slacks Creek
QLD 4127
smerff@fastmail.com
Telephone number: 0411 739 333

3. Have you engaged a lawyer to act for you this appeal/application: No

If yes:

Name of lawyer and/or Law Firm:.....

Address for service:

.....

Telephone number:

Email address:

If no:

Have you applied or are you applying for Legal Aid? **No**

If no:

Do you intend to represent yourself? **Yes**

4. If legally represented, are you applying to be present when the court considers your appeal/application? **Yes**

5.

[Notice to applicant/appellant

- 1. Unless special grounds are shown in form 38 (Application for leave to adduce evidence (rule 108) and are made out the application or appeal will be decided on the same material that was before the trial or sentencing judge.*
- 2. If you change your address, or place of custody, or your legal representatives, you must notify the registrar in writing.*
- 3. If this notice is not filed with the Registrar or given to the General Manager of the prison or person in charge of any other place in which the person is held in custody within 1 calendar month after the judgment appealed against, you must also complete form 28 (notice of application for extension of time within which to appeal) and attach it to this notice (rule 65 and 66)].*

[Signed]Appellant, applicant or lawyer

Date: **9 February 2021**

Place: **Brisbane**

**Notice of appeal or application for leave to appeal
against conviction or sentence**

(for appeals other than under the District Court of Queensland Act 1967, s 118)

Filed on behalf of: **Simon Hickey**

Address for service: **PO box 1059 Slacks Creek 4127 QLD**

Telephone: **0411 739 333**

Fax / Email: **smerff@fastmail.com**