

SUPREME COURT OF QUEENSLAND

CITATION: *R v Maloney* [2026] QCA 110

PARTIES: **R**
v
MALONEY, Susan Elizabeth
(applicant)

FILE NO/S: CA No 57 of 2026
DC No 244 of 2024
DC No 712 of 2024

DIVISION: Court of Appeal

PROCEEDING: Application for Extension (Sentence)

ORIGINATING COURT: District Court at Southport – Date of Sentence: 26 March 2025 (Prskalo KC DCJ)

DELIVERED ON: 12 June 2026

DELIVERED AT: Brisbane

HEARING DATE: 29 May 2026

JUDGES: Bond JA, Boddice JA, Brown JA

ORDER: **The application for extension of time within which to apply for leave to appeal against sentence is refused.**

CATCHWORDS: APPEAL AND NEW TRIAL – PROCEDURE – QUEENSLAND – TIME FOR APPEAL – EXTENSION OF TIME – WHEN REFUSED – where the applicant pleaded guilty to five serious dishonesty offences – where the applicant was sentenced to a global head sentence of seven years’ imprisonment – where submissions had been advanced that the applicant should be eligible for parole after serving one third of the head sentence – where the sentencing judge set the parole eligibility at a date which was two months beyond the mathematical one third point of the head sentence – where the applicant submitted there was a mathematical error in calculating the parole eligibility date – where there was no evidence supporting the submission that date selected was anything other than what the sentencing judge intended – where the applicant needed an eleven month extension of time – whether the lack of merit of the proposed appeal ground was sufficient to justify refusal of the application without the need to consider the adequacy of her explanation for the delay

COUNSEL: The applicant appeared on her own behalf
C M Cook for the respondent

SOLICITORS: The applicant appeared on her own behalf
Director of Public Prosecutions (Queensland) for the respondent

- [1] **BOND JA:** The applicant pleaded guilty to five serious dishonesty offences. The maximum penalty for the most serious of the offences was 20 years' imprisonment.
- [2] In written submissions to the sentencing judge the Crown emphasised that the applicant had engaged in significant dishonesty for a lengthy period and had caused substantial damage to others. The Crown acknowledged that the applicant did not have a previous criminal history but, bearing in mind such mitigating features as existed and matters personal to the applicant, sought a head sentence of seven to eight years' imprisonment with parole eligibility after the applicant had served one third of the head sentence.
- [3] Counsel on behalf of the applicant submitted to the sentencing judge that an appropriate sentence would be a head sentence of between six and eight years' imprisonment with a recommendation for release on parole at the customary one third mark. Counsel for the applicant submitted that the head sentence should be fixed at the lower to mid-point of the suggested range.
- [4] The sentencing judge found and took into account that the applicant's pleas of guilty should be regarded as timely; that the applicant had co-operated with the administration of justice by those pleas and by assisting the Crown to identify the scope of her offending; that there had been progress towards rehabilitation; and that the applicant was remorseful. The sentencing judge also took into account that the applicant had effectively destroyed her own financial future.
- [5] Applying *R v Nagy* [2004] 1 Qd R 63, her Honour sentenced the applicant globally to a head sentence of seven years' imprisonment, attaching that sentence to the most serious of the offences. 104 days spent in pre-sentence custody was declared as time served under the sentence. The sentencing judge ordered that parole eligibility date be fixed at 11 June 2027.
- [6] On 16 March 2026 the applicant filed an application for leave to appeal against sentence. This was almost 11 months out of time, necessitating an application for extension of time within which to file her application for leave to appeal against sentence.
- [7] The applicant identified her principal ground of appeal as being that the sentencing judge was advised the incorrect parole eligibility date by counsel.
- [8] It is true that the date which the sentencing judge fixed as the parole eligibility date was a date which required the applicant to serve 30 months' imprisonment, which was two months more than the date which would have been a mathematical one third of the seven year head sentence.
- [9] However there is no evidence whatsoever supporting the proposition that the judge made any mathematical error or that she was advised an incorrect date by counsel or indeed anyone at all. The transcript reveals merely that once the sentencing judge had determined to give the benefit of her cooperation in the administration of justice in her timely pleas of guilty the sentencing judge set the parole eligibility date as at 11 June 2027.
- [10] The conventional one third date often mentioned is not a binding proposition. There is no basis upon which the ground of appeal argued by the applicant should succeed.

- [11] For completeness it may be mentioned despite not having identified any proposed ground of appeal beyond that which she identified as her “principal ground of appeal”, the applicant complained that her counsel had not submitted all the requisite character references that he had in front of him. In affidavit evidence that she filed she waived privilege and exhibited a communication from her solicitors which had advised her that:

“Ultimately the outcomes were well within range of decisions and precedents, and as a result we advise against appealing.

...

All references deemed appropriate by counsel [were] provided to the Judge’s Associate and provided within the time frames allowable.”

- [12] There is no evidentiary basis to suggest any error or miscarriage in the decisions made by counsel.
- [13] It is unnecessary to consider whether there is an adequate explanation for the applicant’s delay in bringing her application. The lack of merit of her proposed appeal is such that her application should be refused.
- [14] The order of the Court should be the application for extension of time within which to apply for leave to appeal against sentence be refused.
- [15] **BODDICE JA:** I agree with Bond JA.
- [16] **BROWN JA:** I agree that the application for leave to appeal against sentence should be dismissed for the reasons stated by Bond JA.