

Introducing Paragraph Citations to Unreported Judgments!



Get instant insight into the treatment of each paragraph while reading the full text of the Unreported Judgment.

Rapidly assess the impact of a passage on subsequent case law with the help of citation counts.

Open a side-by-side view to read the citing paragraphs and understand the nature of the discussion.

The screenshot shows a document titled "ANTHONY VASKEN MARKARIAN v R BC200503148". A popup window titled "Paragraphs Citing [25]" is open over paragraph [25]. The popup lists "Paragraphs of Citing Cases (468)". The first entry is "He v Sun" (20/05/2021 NSWCA) with citation "[2021]NSWCA 95; BC202104043". The second entry is "Zhao v R" (26/08/2019 NSWCCA) with citation "[2019]NSWCCA 203; BC201907829". The popup also shows the text of the cited paragraph and a list of citing cases.

***** NEW FEATURE *****
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Available to customers with subscriptions to both Unreported Judgments and CaseBase Case Citor.

Paragraph Citations features are limited to Australian judgments handed down since 1998.

Know when you need to pay attention

Flags indicate the volume of discussion for each paragraph, so you never overlook key arguments that have influenced the law.

Assess the nature and usefulness of the discussion without leaving the judgment

Click on a blue citation flag for a side-by-side view of cited and citing paragraphs.

Cases appear in reverse chronological order. More sophisticated sorting and filtering options are available in CaseBase, including the ability to search within citing cases.

Jump straight into the debate

Click on a bar in the Most Cited Paragraphs pod to jump to one of the 10 most impactful passages.

Knowing why the case is famous helps you evaluate it faster.

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Document: ANTHONY VASKEN MARKARIAN v R BC200503148 | Actions

Paragraphs Citing [25]

Cited Paragraph

[25] As with other discretionary judgments, the inquiry on an appeal against sentence is identified in the well-known passage in the joint reasons of Dixon, Evatt and McTiernan JJ in *House v R*²³, itself an appeal against sentence. Thus is specific error shown? (Has there been some error of principle? Has the sentence allowed extraneous or irrelevant matters to guide or affect the decision? Have the facts been mistaken? Has the sentencer not taken some material consideration into account?) Or if specific error is not shown, is the result embodied in the order unreasonable or plainly unjust? It is this last kind of error that is usually described, in an offender's appeal, as "manifest excess", or in a prosecution appeal, as "manifest inadequacy".

23 (1936) 55 CLR 499 at 504-505.

Paragraphs of Citing Cases (468)

Expand all paragraphs

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He v Sun 20/05/2021 NSWCA
[2021]NSWCA 95; BC202104043

[41] The principles as to whether a sentence imposed is manifestly excessive were concisely summarised by RA Hulme JA (with whom Bathurst CJ, Leeming JA, Hamill and N Adams JJ agreed) in *Obeld v R* (2017) 96 NSWLR 155; [2017]NSWCCA 221 at [443], as follows:

When it is contended that a sentence is manifestly excessive it is necessary to have regard to the following principles derived from *House v R* at 505; *Lowndes v R* (1999) 195 CLR 665; [1999]HCA 29 at [15]; *Dinsdale v R* (2000) 202 CLR 321; [2000]HCA 54 at [6]; *Wong v R* (2001) 207 CLR 584; [2001]HCA 64 at [58]; *Markarian v R* (2005) 228 CLR 357; [2005]HCA 25 at [25], [27]; and *Hill v R* (2010) 242 CLR 520; [2010]HCA 45 at [57]:

- Appellate intervention is not justified simply because the result arrived at in the court below is markedly different from sentences imposed in other cases.

Expand

Zhao v R 26/08/2019 NSWCCA
[2019]NSWCCA 203; BC201907829

