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Queensland courts have vacillated on the requirements to be satisfied in an application for bail after conviction and sentence and pending an appeal. There is authority that for “exceptional circumstances” to exist for the grant of bail, it is sufficient to establish either reasonable prospects of success on the appeal or that the applicant would have served all or most of their sentence by the time of the appeal. Later authority is to the effect that both these elements must be satisfied. The <i>Queensland Court of Appeal in R v Ogawa</i> [2009] QCA 201 adopted a more flexible approach in determining that while “ordinarily” it will be necessary to show both these elements, “exceptional circumstances” may exist notwithstanding that both requirements are not satisfied, although prospects of success on appeal will always be an important consideration.	123

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