**Rule 108(3)**

Form 38 Notice of appeal against conviction or other judgment

(*insert front sheet*)

### NOTICE OF APPEAL AGAINST CONVICTION OR OTHER JUDGMENT

**Particulars of appellant**

1. Full name

.................................................................................................................................

1. Primary residential address

……………………………………………………………………………………

1. Address for service of documents (*specify if different from above*)

……………………………………………………………………………………

**Nature of appeal** (*answer “Yes” or “No” in every square*)

4. Appeal by defendant against conviction

Yes / Noo

5. Appeal by defendant against finding of guilt without recording conviction

Yes / Noo

6. Appeal by defendant against decision not to make declaration that defendant

Yes / Noo

liable to supervision under Part 8A of the *Criminal Law Consolidation Act*

*1935*

7. Appeal by defendant against decision that [defendant](http://www.austlii.edu.au/au/legis/sa/consol_act/clca1935262/s14.html#defendant) mentally fit to stand trial/mentally competent to commit offence charged/[objective elements](http://www.austlii.edu.au/au/legis/sa/consol_act/clca1935262/s269a.html#objective_element) of offence established against [defendant](http://www.austlii.edu.au/au/legis/sa/consol_act/clca1935262/s14.html#defendant) (*delete whichever is inapplicable*)

Yes / Noo

**Judgment subject of appeal**

8. Court in which conviction or judgment made

Supreme/District/Youth

9. Date of conviction or judgment

/ / 20

10. Judicial officer who presided over trial

Justice/Judge................

11. Offences subject of appeal (show count number and name of each offence subject of appeal):

……………………………………………………………………………………

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12. Terms of judgment subject to appeal (*when not a conviction*):

…………………………………………………………………………………………………………………………………………………………………………

**Appeal as of right** (*answer "Yes" or "No" in every square*)

Yes / No

13. The appeal is on a question of law.

Yes / No

14. The trial Judge gave a certificate that the matter was fit for appeal.

(*if yes, provide certificate with appeal notice*)

15. The appeal is against a judgment of a Judge of the Youth Court.

Yes / No

Grounds of appeal when appeal is as of right

16. The following are the grounds of appeal when no permission is required (*ie all grounds are grounds of law alone or a certificate of the trial Judge has been given or the appeal is from a judgment of a Judge of the Youth Court*):

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**Appeal requiring permission** (*answer "Yes" or "No" in the square*)

(*answer this section only if all the answers to questions 13, 14 and 15 are “No”*)

Yes / No

17. Some or all grounds of appeal do not involve a question of law.

Grounds of appeal when permission to appeal is required

18. The following are the grounds of appeal when permission to appeal is required:

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**Orders sought**

19. The following orders are sought on appeal:

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……………………………………………………………………………………

**Defendant in custody** (*answer "Yes" or "No" in the square*)

Yes / No

20. The defendant is in custody.

21. If in custody, state where detained:

………………………………………………………………………………………

**Attendance at hearings** (*answer this section only if the answer to question 20 is “Yes”*)

24. At the hearing of the application for permission to appeal, I wish to:

(*tick 1 box only)*

* + be present in person
  + appear by audiovisual link
  + not appear.

23. (*answer this question only if you answered “I wish to be present in person” in question 22*) Give reasons why you wish to be present in person at the hearing of the application for permission to appeal

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(*audiovisual link is the usual form of appearance at a hearing of an application for permission for persons in custody. Special reasons need to be given for the Court to direct personal attendance*)

24. At the hearing of the appeal, I wish to:

(*tick 1 box only)*

* + be present in person
  + appear by audiovisual link
  + not appear.

25. (*answer this question only if you answered “I wish to be present in person” in question 24*) Give reasons why you wish to be present in person at the hearing of the appeal………………………………………………………………………

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(*audiovisual link is the usual form of appearance at a hearing of an appeal for persons in custody. Reasons need to be given for the Court to direct personal attendance. The Court will usually direct personal attendance if a person requests it.*)

**Extension of time** (*Answer "Yes" or "No" in the square*)

26. The appeal is out of time.

Yes / No

(*answer the question below only if the answer to question 26 is “Yes”*)

27. The reasons for the delay and the grounds upon which the Court will be asked to extend time are:

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**Date**:

(*signed*) ………………………………………….…………

Defendant/Solicitor for the defendant (*delete whichever is inapplicable*)