**Rule 108(3)**

Form 40 Notice of appeal against acquittal or other judgment

(*insert front sheet*)

### NOTICE OF APPEAL AGAINST ACQUITTAL OR OTHER JUDGMENT

**Nature of appeal**

1. Appeal by Director of Public Prosecutions against acquittal

Yes / No

2. Appeal by Director of Public Prosecutions against declaration that defendant

Yes / Noo

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

*Act 1935*

3. Appeal by Director of Public Prosecutions against decision that [defendant](http://www.austlii.edu.au/au/legis/sa/consol_act/clca1935262/s14.html#defendant) not mentally fit to stand trial/not mentally competent to commit offence charged/

Yes / Noo

[objective elements](http://www.austlii.edu.au/au/legis/sa/consol_act/clca1935262/s269a.html#objective_element) of offence not established against [defendant](http://www.austlii.edu.au/au/legis/sa/consol_act/clca1935262/s14.html#defendant)

(*delete whichever is inapplicable*)

**Judgment subject of appeal**

Supreme/District/Youth

4. Court in which defendant acquitted or judgment made

/ / 20

5. Date of acquittal or judgment

6. Judicial officer who presided over trial

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

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

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

8. The trial was by [Judge](http://www.austlii.edu.au/au/legis/sa/consol_act/clca1935262/s269a.html#judge) alone.

Yes / No

9. The trial was by jury and the [Judge](http://www.austlii.edu.au/au/legis/sa/consol_act/clca1935262/s269a.html#judge) directed the jury to acquit the

Yes / No

accused.

Grounds of appeal

10. The following are the grounds of appeal if permission to appeal is granted:

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**Orders sought**

11. The following orders from the Court are sought on the appeal:

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

Yes/No

12. The appeal is out of time.

(*answer the question below only if the answer to question 12 is “Yes”*)

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

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**Director’s address**

The Director’s address for service is

Place: ……………………………………………………………………………………

…………………………………………………………………………………………..

Email: ……………………………………………………………………………………

**Date**:

(*signed*) …………………………………………………….

Director of Public Prosecutions