**Rule 108(3)**

Form 41 Notice of appeal against sentence

(*insert front sheet*)

### NOTICE OF APPEAL AGAINST SENTENCE

**Particulars of appellant**

1. Full name (*if appeal is by the defendant)*

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

1. Usual residential address (*if appeal is by the defendant)*

……………………………………………………………………………………

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

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

Yes / No

4. Appeal by defendant against sentence

5. Appeal by Director of Public Prosecutions against sentence

Yes / No

**Judgment subject of appeal**

Supreme/District/Youth Court

OR Magistrates Court major indictable

6. Court in which convicted

7. Date of conviction

/ / 20

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

……………………………………………………………………………………

……………………………………………………………………………………

……………………………………………………………………………………

9. Date sentenced

/ / 20

10. Judicial officer by whom sentenced

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

11. Sentence imposed:

……………………………………………………………………………………

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

Yes / No

12. Appeal against sentence imposed by a Judge of the Youth Court.

13. Appeal against sentence for a major indictable offence imposed by

Yes / No

Yes/No

a Magistrate.

Grounds of appeal when appeal is as of right

14. The following are the grounds of appeal when no permission is required (*ie the appeal is from a sentence imposed by a Judge of the* *Youth Court or from a sentence for a major indictable offence imposed by a Magistrate*):

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

(*answer this section only if the answers to questions 12 and 13 are both “No”*)

Grounds of appeal when permission to appeal is required

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

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**Orders sought**

16. The following orders are sought on the appeal:

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

Yes / No

17. The appeal is by the defendant and the defendant is in custody.

18. If in custody, state where detained:

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……………………………………………………………………………………

Attendance at hearings (*answer "Yes" or "No" or “NA” in each square*)

(*answer this section only if the answer to question 17 is “Yes”*)

19. 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.

20. (*answer this question only if you answered “I wish to be present in person” in question 19*) 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*)

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

(*tick 1 box only)*

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

22. (*answer this question only if you answered “I wish to be present in person” in question 21*) 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*)

23. The appeal is out of time.

Yes / No

(*answer the question below only if the answer to question 23 above is “Yes”*)

24. 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/Director of Public Prosecutions (*delete whichever is inapplicable*)