**Rule 108(3)**

Form 42 Notice of appeal against sentencing decision

(*insert front sheet*)

**NOTICE OF APPEAL AGAINST SENTENCING DECISION**

**Particulars of appellant**

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

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

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

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

……………………………………………………………………………………

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

4. Appeal by defendant against decision not to discharge or to extend an

Yes / No

order for indefinite detention or not to make an order for release on

licence under Part 3 Division 5 of the *Sentencing Act 2017*.

5. Appeal by defendant against decision to make a supervision order

Yes / No

committing the defendant to detention or releasing the defendant

on licence under section 269O of the *Criminal Law Consolidation Act 1935*.

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

6. Appeal by Director of Public Prosecutions or Attorney-General against

decision to discharge or not to extend an order for indefinite detention or

Yes / No

to make an order for release on licence under Part 3 Division 5 of the

*Sentencing Act 2017*.

7. Appeal by Director of Public Prosecutions against decision not to

Yes / No

make a supervision order committing the defendant to detention or to

release the defendant on licence under section 269O of the *Criminal Law*

*Consolidation Act 1935*.

**Judgment subject of appeal**

Supreme/District/Youth

8. Court in which order was made or not made

/ / 20

9. Date of order

10. Judicial officer by whom order was made or not made

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

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

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

12. Sentencing decision:

……………………………………………………………………………………

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13. The appeal is against a decision whether to discharge or extend an

Yes/No

Yes / No

order for indefinite detention or to release a person on licence

under Part 3 Division 5 of the *Sentencing Act 2017.*

Grounds of appeal when appeal is as of right

14. The following are the grounds of appeal when no permission is required (*ie you answered “yes” to question 13*):

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

(*answer this section only if the answer to question 13 is “No”*)

15. The appeal is against a decision whether to make a supervision order

Yes / No

committing the defendant to detention or release the defendant

on licence under section 269O of the *Criminal Law Consolidation Act 1935*

16. The appeal is against a decision whether to make an order for

Yes / No

indefinite detention under Part 3 Division 5 of the *Sentencing Act 2017.*

Grounds of appeal when permission to appeal is required

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

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**Orders sought**

18. The following orders are sought on the appeal:

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

Yes / No

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

20. 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 19 is “Yes”*)

21. 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.

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 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*)

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

(*tick 1 box only)*

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

24. (*answer this question only if you answered “I wish to be present in person” in question 23*) 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*)

Yes / No

25. The appeal is out of time.

(*answer the question below only if the answer to question 25 is “Yes”*)

26. 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*)