

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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<p>Hearing Date and Time:</p> <p>Hearing Location:</p>
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ORIGINATING APPLICATION TO FIX A NON-PAROLE PERIOD
 Sentencing Act 2017 s 47(3)

SUPREME / DISTRICT / MAGISTRATES / ENVIRONMENT RESOURCES AND DEVELOPMENT Circle one COURT OF SOUTH AUSTRALIA
 CRIMINAL JURISDICTION
 CASE NO:

.....Full Name
Applicant

v

.....Full Name
Respondent

Applicant			
Authorising individual			
<small>If applicant is not an individual and not represented by a law firm/office</small>			
Name of law firm/office	<small>If applicable</small>	<small>Law firm/office</small>	<small>Name of responsible solicitor</small>
Address for service	<small>Street Address (including unit or level number and name of property if required)</small>		
	<small>City/town/suburb</small>	<small>State</small>	<small>Postcode</small>
	<small>Country</small>		
	<small>Email address</small>		
Phone Details	<small>Type (eg. home; work; mobile) – Number</small>		
Applicant's References	<small>Reference number - optional</small>	<small>Other number – optional</small>	

Respondent	Full Name (including Also Known as)			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type (eg. Home; work; mobile) – Number		Another number (optional)	

Application details

Mark appropriate sections below with an 'x'

This Application is for a non-parole period to be set in relation to the sentence(s) of

imprisonment

detention

being served by the original Defendant.....full name ('the Subject').

This Application is made under section 47(3) of the *Sentencing Act 2017*.

The original Order the subject of this application was made on.....date

in case number.....case number

by the.....name of Court e.g. District Court of South Australia.

The Applicant seeks an order that a non-parole period be set in relation to the sentence[s] of

imprisonment

detention

being served by the Subject.

This Application is made on the grounds

set out in the accompanying Affidavit sworn by.....full name

on.....date

that:

1. the Subject is serving

a term of imprisonment of 12 months or more

a term of detention of 12 months or more

a number of terms of imprisonment under which the Subject is liable to imprisonment for 12 months or more.

a number of terms of detention under which the Subject is liable to detention for 12 months or more.

2. the Subject's imprisonment or detention commenced on.....date and the Subject has served..... enter amount of time served in years, months, weeks, days

3. The Subject is not liable to serve the sentence(s) in the community while subject to an Intensive Correction Order.

4. the Subject's sentence(s) of imprisonment or detention is/are not subject to an existing non-parole period.

5. If applicable, specify any other grounds below:

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To the Other Parties: WARNING

Next paragraph only applicable if Supreme Court

This Application will be considered at the hearing at the date and time set out at the top of this document.

Next paragraph only applicable if jurisdiction other than Supreme Court

This Application will be considered at a hearing to be convened by the Court. You will receive a notice of hearing with details of the location, date and time of the hearing.

If you wish to oppose the Application or make submissions about it:

- **you must go to the hearing** and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders you **must** file and serve on all parties an affidavit before the hearing date.

If you do not do so, the Court **may proceed in your absence** and orders may be made **finally determining** this application without further warning.

To the Defendant the subject of the original sentence: WARNING

You **must** go to the hearing or have a lawyer go for you to make submissions in support of/response to this Application.

If you are in custody, arrangements can be made for you to appear before the Court in person or via audiovisual link on the day of the hearing. You should inform the Court Registry whether you wish to appear in person or by audiovisual link.

Service

The party filing this document is required to serve it on all other parties in line with the Rules of Court.

