**ORIGINATING APPLICATION TO EXTEND A NON-PAROLE PERIOD**

**Sentencing Act 2017 s 47(7)**

SUPREME / DISTRICT / MAGISTRATES / ENVIRONMENT RESOURCES AND DEVELOPMENT **Circle one** COURT OF SOUTH AUSTRALIA

CRIMINAL JURISDICTION

CASE NO: ……………………

……………………………………………………………………………… **Full Name**

**Applicant**

**v**

……………………………………………………………………………… **Full Name**

**Respondent**

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| Applicant |  | | | | |
| Authorising individual  **If applicant ant is not an individual and not represented by a law firm/office** |  | | | | |
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| Name of law firm/office  **If applicable** |  | |  | | |
| **Law firm/office** | | **Name of responsible solicitor** | | |
| Address for service |  | | | | |
| **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** | | | | |
| Applicant’s References |  | |  | | |
| **Reference number - optional\_** | | **Instant loss of licence number – optional** | | |

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| Respondent |  |
| **Street Address (including unit or level number and name of property if required)** |
| Address |  |
| **City/town/suburb** |
|  |
| **Email address** |
|  |
| **Type (eg. home; work; mobile) – Number** |
| Phone Details |  |
| **Street Address (including unit or level number and name of property if required)** |

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| **Application details**  **Mark appropriate selection below with an ‘x’**  This Application is for a non-parole period to be extended 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(7) 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** of Court of South Australia.  The Applicant seeks an order that the non-parole period set by the Court in relation to the sentence(s) of  [ ] imprisonment  [ ] detention  being served by the Subject be extended.  This Application is made on the grounds  [ ] set out in the accompanying Affidavit sworn by…………………………………………**full name**  on………………………**date**  [ ] that:   1. the Subjectis serving   [ ] a term of imprisonment  of……………………………………………………………………………………………………….  …..……………………………………………..…….…..**Enter no of years, no of months, no of weeks, no of days**  [ ] a term of detention  of……………………………………………………………………………………………………….  …..………………………………………………………..**Enter no of years, no of months, no of weeks, no of days**  [ ] a number of terms of imprisonment under which the Subject is liable to imprisonment for  ……………………………………………………………………………………………………….  …..……………………………………………….…….…..**Enter no of years, no of months, no of weeks, no of days**  [ ] a number of terms of detention under which the Subject is liable to detention for  ……………………………………………………………………………………………………….  …..……………………………………….…..…………..**Enter no of years, no of months, no of weeks, no of days**   1. the Subject’simprisonment or detention commenced on………………………**date** and the Subject has served……………………………………………………………………………………………………………………………………………………………………………….…………**enter amount of time served in years, months, weeks, days** 2. a non-parole period of……………………………**specify period** was imposed by………………………………………………..…………..**name of judicial officer** on………………………**date** 3. the likely behaviour of the Subject should the Subject be released from custody, is   …………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………….……………………………………..…………..…………….**explain likely behaviour**   1. the behaviour of the Subject in custody has been   …………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………….…………………….………………………..…..……….**describe behaviour thus far**   1. if the Subject were released from custody, it would be necessary to protect the following persons (or people generally) because   ………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………..…….**Specify Full Names and reasons**   1. If applicable, specify any other matters 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*] **select one** 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. |

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

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| **Accompanying Documents**  **Mark appropriate selection below with an ‘x’**  Accompanying this Application is a  [ ] Supporting Affidavit **optional unless required by Rules of Court**  [ ] If other additional document(s) please list them below:  .…………………………………………………………………………………………………………………………………….…………………………………………………………………………………………………………………………………….…………………………………………………………………………………………………………………………………….…………………………………………………………………………………………………………………………………….…………………………………………………………………………………………………………………………………….…………………………………………………………………………………………………………………………………….………………………………………………………………………..…………………………….…...**list additional documents (if any)** |