**ORIGINATING APPLICATION FOR RESERVATION OF QUESTION TO COURT OF APPEAL**

**Criminal Procedure Act 1921 s 153(6)**

SUPREMECOURT OF SOUTH AUSTRALIA

COURT OF APPEAL

CRIMINAL JURISDICTION

CASE NO: ……………………**……………………………………………………………………………… Full Name**

**Appellant**

**v**

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

**Respondent**

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| **Appellant** |  |  |
|  | **Party title**  | **Full name of party** |
| Name of law firm/office |  |  |
| **If applicable** | **Law firm/office** | **Responsible Solicitor** |
| Name of authorised officer |  |
| **If body corporate and no law firm/office** | **Full name** |
| 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** |

**Provide for multiple parties**

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

**Only complete if applicable otherwise mark as N/A**

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

**Only complete if applicable otherwise mark as N/A**

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

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| **Application Details****Mark appropriate selection below with an ‘x’**The Appellant applies[ ] for leave to apply to the Court of Appeal for an order requiring a Court to refer a [relevant Question](http://classic.austlii.edu.au/au/legis/sa/consol_act/cpa1921188/s153.html#relevant_question) to it for consideration and determination [ ] for an order requiring the Court to refer the Question to it for consideration and determination.This Application is brought under section 153(6) of the *Criminal Procedure Act 1921*.**Matter subject of application**Date of conviction **if applicable**: ……………………. **date**Date of decision of Court refusing to refer the relevant Question or Questions **if applicable**: ……………………. **date**Court: Supreme / District / Magistrates / ERD Court / Youth Court / South Australian Employment Court / other **Circle one**Judicial Officer: ………………………………………………………………….**title and name**Case number of court: ………………………**case number.** **provision for multiple**Relevant question or questions (“the Questions”):**Question or Questions in separate numbered paragraphs if more than one**.…………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………Context in which the Questions arise: ……………………………………………………………………………………….………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………….……………………………………….…**context**Any decision made by the Court concerning the Questions: decision / not applicable **Circle One****Grounds of application for reservation of question****grounds in separate numbered paragraphs**1. ………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………

**Orders sought** **orders sought in numbered paragraphs** 1. ………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………

**Leave to make application** [ ] Leave not required **if application made by Attorney-General or Director of Public Prosecutions**[ ] Leave granted by ……………………………………………………..**title and name** on ……………………….**date**[ ] Leave sought. |

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| **Hearing of application** **Mark appropriate selection below with an ‘x’**The Appellant is in custody:yes / no**Only complete the following if appellant is a defendant/youth and answered yes to previous question****following item only displayed if leave sought**At the hearing of the application for leave to apply to reserve Questions, the Appellant wishes to:[ ] be present in person.[ ] appear by audiovisual link.[ ] not appear.**following item only displayed if first selection to previous question** Reasons why Appellant wishes to be present in person:……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………**audiovisual link is the usual form of appearance at a hearing of an application for leave for persons in custody. Special reasons need to be given for the Court to direct personal attendance**At the hearing of the application to reserve Questions (if leave already granted), the Appellant wishes to:[ ] be present in person.[ ] appear by audiovisual link.[ ] not appear.**Only complete the following if first selection to previous question otherwise mark as N/A**Reasons why Appellant wishes to be present in person:……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………**audiovisual link is the usual form of appearance at a hearing of an application for leave for persons in custody. Special reasons need to be given for the Court to direct personal attendance****Only complete the following if applicant is defendant/youth and yes to first question at top of box otherwise mark as N/A**At the hearing of the Questions reserved (if reserved), the Appellant wishes to:[ ] be present in person.[ ] appear by audiovisual link.[ ] not appear.**Only complete the following if first selection to previous question otherwise mark as N/A**Reasons why Appellant wishes to be present in person:……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………**audiovisual link is the usual form of appearance at a hearing of an application for leave for persons in custody. Special reasons need to be given for the Court to direct personal attendance** |

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| **To the Other Parties: WARNING** The Appellant applies for reservation of the Questions identified above. The parties will be advised of a hearing date in due course. If you wish to oppose the application or make submissions about it, you **must** attend the hearing. If you do not attend the hearing, the Court may make orders **finally determining** the Application without further warning |

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