NOTICE OF APPLICATION FOR LEAVE TO APPEAL

Part 6, Criminal Procedure Act 2011

In the Court of Appeal of New Zealand

[Name] v [R or Police prosecutor]

| Nam | e of app | olicant: |
|----------------|------------|---|
| Deci | sion bei | ng appealed: |
| | | |
| Date | of decis | sion: |
| Cour | t in whi | ch the decision was made (include place): |
| This | applica | tion is for leave for a first/second* appeal. |
| *Se | elect one. | . A second appeal is an appeal from the determination of an appeal by the High Court. |
| | | TO THE REGISTRAR OF THE COURT OF APPEAL |
| appli decis | cant, gi | ve you notice that I apply for leave to appeal to the Court of Appeal against the cribed above on the grounds set out below, and I give answers as follows to the testions: |
| 1. | (a) | Is any lawyer now acting for you? |
| | (b) | If so, give his or her name and address and electronic address, if any *such as an email address, or a fax address, or both): |
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| (c) | Have you applied, or do you intend to apply, to the Legal Services Agency for a grant of legal aid? |
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| | u are currently in prison, which one? |
| | ou do not currently have a lawyer, what is your current postal address and ronic address, if any (such as an email address, or a fax address, or both)? |
| | |
| (a) | If you are in custody and are granted an oral hearing, do you wish to apply for |
| | leave to be present? |
| (b) | If so, what are your reasons for seeking leave to be present? (If you wish to |
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| 5. | If you have not yet had your trial, when is the trial likely to be? |
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| 6. | Attach the decision against which you wish to appeal (if available). |
| 7. | You have 20 working days from the date of the decision that you wish to appeal in which to file your notice of application for leave to appeal. The Court may extend this time. If your application is out of time, what are your reasons for saying that the Court should nevertheless extend the time and consider your application? |
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| 8. | (a) If your application for leave is a first appeal, why should the Court give you |
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| | leave to appeal? |
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| (b) | If your application for leave is for a second appeal, the Court may grant leave only if satisfied that the appeal involves a matter of general or public importance or that a miscarriage of justice may have occurred, or may occur unless the appeal is heard. Why should the Court give you leave to appeal? |
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| 9. | (a) If leave to appeal is granted, what would the grounds of your appeal be? | ••••• |
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| (b) | On what statutory provisions or cases would you rely? |
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| (a) | If your proposed appeal relates to the admissibility of evidence propose |
| () | called at the trial, outline (on a separate sheet, if necessary) the d |
| | evidence in question and its relevance to the trial: |

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| (b) | If your proposed appeal challenges the exercise of a judicial discretion, explain |
| | (on a separate sheet, if necessary) why the challenge meets the criteria for |
| | reversing the exercise of a discretion: |
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| | If your proposed appeal challenges a factual finding in the decision against |
| (c) | If your proposed appeal challenges a factual finding in the decision against which you wish to appeal, outline (on a separate sheet, if necessary) the |
| | evidence on which you rely for your challenge: |
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| 11. | (a) | If your proposed appeal is on a question of law, what question or questions of law would you like the Court of Appeal to determine? |
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| (b) | What should the answer to the question or questions of law be? [In addition, briefly set out the grounds for that answer or answers.] |
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| (c) | What else would you like the Court of Appeal to do in addition to ans | wering |
| | the question or questions of law? | |
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| 12. | Include in this application anything that is relevant to the decision about whether your application should be considered at an oral hearing or be dealt with on the papers, such as— | | |
| | (a) | whether you have been assisted by a lawyer in preparing your application for leave: | |
| | (b) | (if relevant) whether you have been provided with copies of the relevant trial documentation: | |
| | (c) | the gravity of the offence: | |
| | (d) | the nature and complexity of the issues raised by your application: | |
| | (e) | whether any evidence should be called: | |
| | (f) | any relevant cultural or personal factors. | |
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| Dated this | |
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| Signature of applicant | |
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Note: If you are granted leave to appeal, your appeal (and application if being considered at the same time) will be considered at an oral hearing (that is, a hearing at which oral submissions may be made) unless the Court or a Judge determines that the appeal can be fairly dealt with on the papers and either has no realistic prospect of success or clearly should be allowed. In that case the appeal will be dealt with at a hearing on the papers. This is a hearing at which the Court makes its decision solely on the basis of the written material before it.