

NOTICE OF APPLICATION FOR LEAVE TO APPEAL BY PERSON CONVICTED

Part 6, Criminal Procedure Act 2011

In the Court of Appeal of New Zealand

[Name] v [R or Police prosecutor]

Name of applicant:

Offence(s) of which convicted:

.....

Court in which conviction entered: District Court at *[place]*:

Date of conviction:

Date when sentence passed:

Court in which sentence passed: District Court at *[place]*:

Sentence:

Court in which determination of first appeal was made: High Court at *[place]*:

Date of determination of first appeal:

The first appeal was an appeal against—

[Specify which applies—

- *my conviction*
- *my sentence*
- *my conviction and sentence*
- *the finding of criminal contempt*
- *the finding of criminal contempt and sentence.]*

TO THE REGISTRAR OF THE COURT OF APPEAL

I, *[name]*, the applicant, give you notice that I apply for leave to appeal to the Court of Appeal against the determination of the High Court described above on the grounds set out below, and I give answers as follows to the following questions:

1. (a) Is any lawyer now acting for you?

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(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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2. If you are currently in a prison, which one?

3. If you do not currently have a lawyer, what is your current postal address and electronic address, if any (such as an email address, or a fax address, or both)?

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4. (a) If you are in custody and are granted an oral hearing, do you wish to apply for leave to be present?

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6. (a) 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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- (b) On what statutory provisions or cases would you rely?

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7. (a) Do you wish to apply for leave to call any witnesses on your proposed appeal?

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(b) If so, then state —

(i) the name and address of the witness(es):

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(ii) whether the witness(es) gave evidence at trial:

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(iii) if not, the reason why the witness(es) did not give evidence:

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(iv) on what matters you wish the witness(es) to give evidence:

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(v) briefly, what evidence you think the witness(es) can give:

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8. 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:

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(b) (if relevant) whether you have been provided with copies of the relevant trial documentation:

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(c) the gravity of the offence:

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(d) the nature and complexity of the issues raised by your application:

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(e) whether any evidence should be called:

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(f) any relevant cultural or personal factors:

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Dated this day of 20.....

Signature of applicant

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.