

**NOTICE OF APPLICATION FOR LEAVE TO APPEAL BY
SOLICITOR-GENERAL OR PROSECUTOR**

Part 6, Criminal Procedure Act 2011

In the Court of Appeal of New Zealand

[R or Police or prosecutor] v [Name]

Name and full address of respondent:

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Decision being appealed:

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Date of decision:

Court in which the decision was made (include place):

This application is for leave for a first/second* appeal.

**Select one.*

TO THE REGISTRAR OF THE COURT OF APPEAL

Take notice that, under [.....*section number and Act*] I, the Solicitor-General/prosecutor*, apply for leave to appeal against the decision described above on the grounds set out below, and I give answers as follows to the following questions:

**Select one.*

1. (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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2. Why should the Court give you leave to appeal?

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3. If the trial has not yet been held, when is the trial likely to be?

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4. Attach the decision against which you wish to appeal (if available).

5. If this 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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6. (a) If your application for leave is for a first appeal, why should the Court give you leave to appeal?

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(b) If your application for leave is for a second appeal (that is, it is an appeal from a determination of a first appeal by the High Court), 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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(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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9 (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 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 answering the question or questions of law?

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Dated this day of 20.....

Signature of Solicitor-General/prosecutor*:

* Select one.

The address for service is:

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