



**THE SUPREME COURT
FALKLAND ISLANDS
Criminal Appellate Jurisdiction**

NOTICE AND GROUNDS OF APPEAL

The Appellant <i>Give full name</i> <i>If in custody give address where detained</i>	Surname:	
	Forenames:	
	Address:	
	Date of Birth:	

The Court where tried or sentenced	Date of Conviction:	
	Date of Sentence:	
	Total period of remand in custody prior to sentence:	

THE CONVICTION(S) AND SENTENCE(S) *Give full particulars*

<u>Court Case Number(s)</u>	<u>Count or Charge number</u>	<u>Offence:</u>	<u>Sentence:</u>
Number of Offences Taken into consideration:		Total Sentence:	



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A large, empty rectangular box with a double-line border, intended for the notice and grounds of appeal.



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APPELLANTS IN CUSTODY ONLY

I understand that if the Court feels that my application is plainly without merit no direction will be made that time spent in custody as an appellant shall count towards sentence. I have provided reasons as to why my application for a direction for time spent in custody should be granted within the body of my grounds of appeal.

ALL APPELLANTS

I understand that if the Court dismisses my appeal it may make an order for payment of costs against me, including any costs arising out of the preparation of transcripts, as appropriate.

I understand that it is open to the Court to replace my existing sentence with any other sentence which could have been imposed upon me, including one which is more severe than my current sentence.

This form should be signed by the appellant but may be signed by his/her legal representative provided the warning set out above has been explained to him/her, and he/she is sent a copy of this form.

Signature of the appellant

(or legal representative signing on behalf of the appellant)

Date:

SEND THIS FORM FOR THE ATTENTION OF THE CLERK OF THE COURT WHERE TRIED OR SENTENCED

NOTICE AND GROUNDS OF APPEAL

NOTES FOR GUIDANCE ON COMPLETION OF THIS FORM

1. Everyone who has had the benefit of a representation order for trial or sentence in the Magistrate's or Summary Court is entitled to advice or assistance on appeal.
2. Legal Practitioners are expected to be familiar with the Practice Direction issued by the Supreme Court on Appeals from the Magistrate's and Summary Court issued on 30 September 2015.
3. Separate forms should be submitted for convictions or sentences which do not arise in the same proceedings.

4. Applications

This application form should be sent to the Clerk of the convicting or sentencing Court within 21 days of the conviction, sentence, verdict or finding appealed against.

- Extension of time

The period of 21 days cannot be extended except by leave of the Judge and the reasons for delay will be required. These must be attached to this form at the time of filing.

NOTE: the time for appealing runs from the date of the conviction, finding or order. Time runs from the date of conviction even where sentence is passed on a later date.

- Legal Aid

A Legal Aid order made in the Magistrate's/Summary Court may not provide for oral argument before the Supreme Court. If Legal Aid is sought for this purpose it should be applied for. Legal aid cannot be applied for prior to lodging Form NG(CrimApp)

- Bail

Where bail is applied for Form B(CrimApp) must also be completed and submitted with this Form. Where bail is applied for after lodging Form NG(CrimApp) then Form B(CrimApp) may be submitted separately. Bail cannot be applied for before Form NG(CrimApp) is lodged

- Leave to call a witness

Where leave to call a witness is applied for Form W(CrimApp) must also be completed and submitted with this form. Where leave is applied for after lodging Form NG(CrimApp) then Form W(CrimApp) may be submitted separately. A separate form is required for each witness. A signed statement from the witness should be appended to Form W(CrimApp) and, if it is said that the witness was not available at trial, an affidavit, sworn by the appellant's lawyer, should also be lodged, describing the circumstances in which the witness came forward and the circumstances in which the statement was made.

5. Grounds of Appeal

Where grounds have been settled by a Legal Practitioner they must be signed by the Legal Practitioner. Grounds must be settled in accordance with the Practice Direction "Appeals from the Magistrate's and Summary Court". Wording such as "the conviction is unsafe" or "the sentence is in all the circumstances too severe" will be ineffective grounds unless accompanied by detailed reasons. Unsigned grounds will be returned with resulting delay to the application.

An appeal against conviction is not a re-hearing or fresh trial. The Supreme Court will only be concerned with whether the conviction is unsafe.

6. An appellant is entitled to be present on the hearing of his appeal. It will be assumed that an appellant that an appellant in custody is applying for leave to be present unless he indicates to the contrary.



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