

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]

Name of applicant:

Decision being appealed:

.....

Date of decision:

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

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

**Select 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

I, [.....*name*], the applicant, give you notice that I apply for leave to appeal to the Court of Appeal against the decision 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 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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(b) If so, what are your reasons for seeking leave to be present? (If you wish to have bail, you must apply separately in writing setting out the reasons and grounds for your application.)

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(b) On what statutory provisions or cases would you rely?

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10. (a) If your proposed appeal relates to the admissibility of evidence proposed to be called at the trial, outline (on a separate sheet, if necessary) the disputed 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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(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 answering the question or questions of law?

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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.