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# APPEALS FROM MAGISTRATES COURT

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## **INTRODUCTION**

An appeal is a review of a decision to convict you or give you a sentence on grounds that the decision was wrong according to the law. This kit is a guide to help people who want to appeal against a decision by a magistrate in a Magistrates Court about a criminal charge.

To be successful you need to show grounds of appeal that are accepted by the law. Ask a lawyer whether you have any grounds to appeal.

Copies of the forms that you need are in the back of the kit.

### **Time Limit**

You must file your Appeal Notice at the Supreme Court **within 28 days of the date you got your sentence.**

If you miss this date, you must ask the Supreme Court for permission to extend the time to appeal. You apply for this by filing an Affidavit with the Appeal Notice.

### **Costs**

If you lose your appeal, the Supreme Court can order you to pay the other side's legal costs. These can be very expensive.

### **Applying for Legal Aid**

If you want to apply for legal aid for an appeal, make an appointment to see Legal Aid's Prison Visiting Service. Legal Aid goes to Casuarina, Acacia, Hakea and Bandyup each week. Other prisons are visited upon request. You need to give Legal Aid the transcript of your case and let Legal Aid know why you want to appeal.

## **GROUND OF APPEAL**

Grounds of appeal are the **reasons** for appealing. They are the reasons why a conviction or sentence was wrong.

It is not enough for you to say that the decision was unfair.

To win your appeal you need to show a ground of appeal that is accepted by the law.

This could be that the magistrate in your case made an error about the **law** or an error about a **fact** or imposed a sentence that was excessive.

If a lawyer represented you in court you should ask the lawyer if there are grounds of appeal.

### **Examples Of Grounds Of Appeal Against Conviction**

The magistrate arrived at a decision **without proper evidence** to support it.

The magistrate wrongly **took into account evidence he or she should not have** such as hearsay evidence (where a witness gives evidence about something, which he or she did not personally see or hear, but which someone else told them).

The magistrate **failed to give proper reasons** for his or her decision. Magistrates must give reasons so that people can understand how they came up with their decision.

The magistrate **failed to exclude** something you said to the police when you were intimidated or threatened or under pressure (what you said was involuntary).

The magistrate wrongly failed to exclude **evidence obtained unlawfully or unfairly**. The magistrate should exclude evidence when the unfairness of the evidence is greater than the need to allow the evidence to be given to show what happened.

The magistrate **wrongly stopped evidence** being given. For example, if the magistrate decided not to hear certain evidence that would have been relevant to your defence.

The magistrate did not properly decide some **procedural matter** such as refusing an adjournment and that decision prevented you being able to present all the relevant evidence.

**Fresh evidence has become available** since the conviction and if the magistrate had heard the evidence he or she would have acquitted you. Fresh evidence is evidence that did not exist, was not known about, or was not disclosed or available at the time of the hearing.

## **Examples Of Grounds Of Appeal Against Sentence**

The sentence was **too long** compared with sentences imposed on other people for similar offences committed in similar circumstances.

The magistrate **overlooked or made a mistake** about something to do with the facts or your personal circumstances that affected the sentence you were given.

The magistrate **did not properly take into account** factors like one of the following:

- the time spent in remand custody before sentence
- a plea of guilty at an early opportunity
- the payment of compensation
- the “totality” of offences that were all part of one incident
- the sentence received by your co-offender (“parity” of sentence).

The magistrate **did not consider other sentences** such as an Intensive Supervision Order or a fine.

The magistrate did not order that you be eligible for **parole** where this should have been done.

## **Research**

If you want to look up the law to see if you have grounds of appeal, you firstly need to work out what were the legal issues in your case.

Write to the transcript clerk in the Magistrates Court and ask for a copy of the transcript of your case. This is the type written record of what was said. A request form for the transcript is at the back of this kit. You should read through the transcript to see what issues came up and look at the magistrate’s reasons for the conviction and sentence.

Work out the key words that relate to the issues.

The criminal law in Western Australia is made up of legislation and cases. You need to find the legislation that relates to your key words. Legislation is a written law from Parliament such as the Misuse of Drugs Act 1981.

You need to find the cases that relate to your key words. Cases are the previous decisions by courts on legal issues.

Start with having a look in the index of a general textbook for your key words. Read the pages in the book that relate to the key words and note any legislation or cases.

## Cases

The Magistrates Court is at the lowest level of the court system. More serious cases are heard in the District Court, and the most serious are heard in the Supreme Court.

Lower courts must follow decisions by higher courts, therefore you need to look for cases decided by higher courts such as the High Court and the Court of Criminal Appeal first.

Cases are an important part of legal research because they show the law on a particular issue. You need to find cases that deal with the same issue that you are researching. Cases may be available in law reports or on computer. The Appellant Librarian Service may be able to help you get cases. A request form for this service is in the back of this kit. Ask the prison librarian about this service.

Each case has a specific name and “citation” that is used to identify the case. A citation is a description of where the case can be found. For example the citation for the case of **Mathews v The Queen** has a citation of (2001) 24 WAR 438. This citation refers to Volume 24 of the West Australian Reports at page 438.

You should find out if a case you have found has been followed or rejected in later cases. Ask the prison librarian for help with this.

## Steps Involved In An Appeal

- To start an appeal you need to file an Appeal Notice at the Supreme Court with a copy of the prosecution notice/s and the transcript and serve these on the solicitor for the Respondent (usually the DPP).
- If you are outside the time limit for appealing then you also need to file an Affidavit explaining why you are late.
- If you are seeking bail, then you would also file an Application for an Interim Order and an Affidavit concerning bail.
- The Supreme Court will consider whether to grant leave to appeal (either by reading your documents or by asking you to attend court to talk to the Judge about your appeal).
- If leave is granted, the Supreme Court will give you directions about what else needs to be done before the final hearing of the appeal such as filing and serving Appeal Books and written submissions.
- In some cases the Supreme Court will consider the issues of leave to appeal and the appeal itself together and allow the appeal.

## **APPEAL NOTICE**

To start your appeal you need to prepare and file an Appeal Notice. A copy of the layout of this document is in the back of the kit.

### **Parties to the Appeal:**

- Put your full name before the word Appellant and underline your surname.
- Put the name of the person who is the prosecutor on the prosecution notices down as the Respondent (if there is more than one prosecution notice then put down the name of each prosecutor).

### **Primary Court's Decision:**

- Put down the Magistrates Court at the location where your case was (eg Perth, Midland etc).
- Put down the number or numbers of the prosecution notice/s.
- Put down the name/s of the prosecutor/s and your name as the parties.
- Put down the date of the decision you are appealing against.
- Put down the name of the magistrate who made the decision.

### **Decision Details:**

- Put down the offences that you were convicted of.
- Put down the sentences imposed.
- Put down any other orders made.

### **Appeal Details:**

Tick the relevant box as to whether your appeal relates to an appeal against conviction, sentence or other order.

- Put down your grounds of appeal.
- Put down the last date for appealing which is 28 days from the date you got your sentence.

- If an extension of time is needed, circle “yes”.
- If you are not legally represented, circle “no”.
- If you are applying for legal aid, “yes”.

### **Appellant’s Details for Service:**

- Put in your name and address (i.e. if you are in prison, the name of the prison).
- Sign and date the Appeal Notice.

### **PROSECUTION NOTICE/S AND TRANSCRIPT**

Fill in the Request for Court Documents form at the back of the kit and send it to the Magistrates Court to request:

- Copies of your prosecution notices
- A copy of your transcript

If you are a sentenced prisoner, you can ask for the prosecution notices and transcript to be given to you free.

If you cannot get the prosecution notice and the transcript before the 28- day time limit is up, you should still send your Appeal Notice to the Supreme Court within the time limit and notify the Court that you are seeking the prosecution notices and transcript.

### **AFFIDAVIT**

If you are outside the 28-day period from the date of your sentence, you will need to apply to the Supreme Court for an extension of time to appeal.

An **Affidavit** is a formal statement of the **facts** that you want the court to consider when it decides your appeal. It must be sworn before a Justice of the Peace or a Commissioner for Affidavits.

Use the Affidavit at the back of this kit as a model for your own. You may use as many pages as you need to set out all the information you believe is important for the court to consider.

### **Cover**

The top part of the cover page of the affidavit is completed in the same way as in the application for leave to appeal. Complete the index on the cover page.

### **Introductory Words**

On the next page, type the following:

“I (**type in your full name**) of (**type in your full address . if you are in prison, type in the address of the Prison**) in the State of Western Australia, (**type in your occupation**), being duly sworn make oath and say as follows:”. For example,

“I, Joseph Bloggs of 32 Passmore Road, Mt Lawley in the State of Western Australia, plumber, being duly sworn make oath and say as follows”

### **State The Facts In Paragraphs**

You must set out the facts in paragraphs. Each paragraph must be numbered. You must explain why you were late in filing your Appeal Notice. The affidavit must be truthful.

If there is a document that you wish to refer to then you can annex that document to the Affidavit and you need to refer to it in one of the paragraphs of the Affidavit. For example: “Annexed hereto and marked with the letter “A” is a copy of the prosecution notice numbered 53699 of 2005.” □ At the top of the page of the annexure, write the letter “A”.

You need to put the page numbers for the affidavit and each annexure in the index at the front of your affidavit.

### **Signing The Affidavit**

You must sign the affidavit in the presence of a Justice of the Peace or Commissioner for Affidavits.

Both you and the witness must sign the bottom of each page of the affidavit, and the “swearing clause” at the end. The Justice of the Peace or Commissioner for Affidavits must fill out the details in the swearing clause. You sign next to the swearing clause. The Justice of the Peace or Commissioner for Affidavits will let you know exactly where you must sign. The Justice of the Peace or Commissioner for Affidavits must also sign each annexure.

## **FILING AND SERVING YOUR DOCUMENTS**

### **Filing Your Documents**

Send your Appeal Notice, the prosecution notice/s and transcript and your Affidavit (if you need an extension of time) to the Registrar of the Supreme Court. The address is in the **Directory** at the back of this kit. Keep a photocopy of the documents for your reference.

### **Serving Your Documents**

Send a copy of your Appeal Notice and other documents to the solicitor for the Respondent.

If the charge related to a **State offence** then your application and affidavit is sent to the **State** Director of Public Prosecutions or State Solicitor depending on the original charge.

If the charge was an **indictable** charge (it could have been dealt with in the District Court such as a burglary charge) then you should send your documents to the State Director of Public Prosecutions. If the charge was a **summary** charge (one that could only be dealt with in a Magistrates Court such as driving under the influence of alcohol) then you should send your documents to the State Solicitor.

If the Magistrates Court charge related to a **federal offence** such as social security fraud then your application for leave to appeal and bail and your affidavit are sent to the **Commonwealth** Director of Public Prosecutions.

The address for each is in the **Directory** at the back of the kit.

### **Service Certificate**

After you have served the documents you need to prepare and file a **Service Certificate**. The layout for this document is at the back of the kit.

Also send a copy of your Appeal Notice to the Magistrates Court.

### **WITHDRAWING YOUR APPLICATION**

If you change your mind and decide not to go ahead with your appeal you file and serve a **Notice of Discontinuance**. An example of this form is in the back of this kit.

Copies must be sent to the Supreme Court and to the relevant Director of Public Prosecutions or State Solicitor.

### **LEAVE TO APPEAL**

The Judge may decide the issue of leave to appeal on the basis of the documents that you have filed. If leave is granted then the Court will send you the order granting leave with

directions as to what you are to do next such as preparing, filing and serving Appeal Books and Outlines of Submissions and Authorities.

The Judge may decide that the application for leave to appeal should be listed for you to make your argument in person. If you are in custody, you stand in the dock. You should stand when speaking to the Judge and only sit when the Judge tells you to. You should call the Judge, “**Your Honour**”.

The Judge will want to know why he or she should give you permission to appeal. You cannot simply say the decision of the Magistrates Court was unfair. **Explain to the Judge your grounds for appeal.** Do this slowly and clearly.

It is a good idea to make a list of the points you want to make about each ground of appeal.

If the Judge grants you leave to appeal you will be provided with directions as to what to do next. If you want to appeal against the decision to refuse you leave you need to lodge an Appeal Notice directed to the Court of Appeal within 21 days. See the District and Supreme Court Appeal Kit.

## **APPEAL BOOKS**

This part of the kit explains how to prepare Appeal Books if you are directed to prepare, file and serve them.

Usually Appeal Books must be at the Supreme Court Registry **7 days before the hearing of your appeal.**

An Appeal Book is a collection of all of the relevant documents for your appeal. It must contain all the material required for your appeal. All of the documents need to be readable.

You must include the following documents and they must be set out in the following order:

- **Cover page** stating the title of the proceedings, your name, current address (where the DPP (etc) can serve you with their documents) and a telephone number. You must also set out the name, address and telephone number of the solicitor for the Respondent. You can use the form called **appeal book** at the back of the kit as a model for the cover page of your appeal book.
- **Index** of the documents in the appeal book containing the page numbers where you can find each document. If there is a transcript of evidence then you must identify the pages relating to each witness and whether the evidence is evidence in chief, or cross examination, or re-examination.
- The **Order granting leave to Appeal**
- The **Appeal Notice**
- The **Affidavit**
- The **Prosecution Notice/s**
- The **Transcript**

All of the pages of the appeal book are to be **numbered** in the top right hand side.

The appeal book documents should be bound together on the left hand side. You can do this by stapling the sheets down the left hand side.

Don't fill in the page numbers until you have finished putting together all the documents in your appeal book. When you have done this, you can number all the pages and then put the page numbers into the index.

You must then send **three** copies of the appeal book to the Supreme Court Registry and **one** copy to the relevant Director of Public Prosecutions or State Solicitor.

You must **keep a copy** of the appeal book for your own use.

## **SUBMISSIONS AND AUTHORITIES**

This part of the Appeal Kit explains how to prepare a written Outline of Submissions and List of Authorities if you are directed to do so.

The Outline of Submissions should be set out as in the layout at the back of the kit. You should type out what your main points are for each ground of appeal for the use of the Supreme Court Judge and the relevant DPP or State Solicitor. Doing this also helps you to prepare how you will present your case to the Supreme Court on the day of your appeal.

In the Outline of Submissions you may set out the rules established in previous cases, which support your appeal and the names of such cases and the citation for each case eg **Bunning v Cross** (1978) 141 CLR 54.

All of the cases and legislation that you refer to in your Submissions must be listed in a separate document called a **List of Authorities**.

These documents must be sent to the Court Registry and to the relevant Director of Public Prosecutions or State Solicitor **at least four working days prior to the appeal hearing**.

The solicitors for the Respondent will send you their outline of submissions and list of authorities in response, so it is a useful process to make sure both you and the Respondent know what will be argued on the day of the appeal. If it is the day before the hearing and you still have not received a copy of the Respondent's outline of submissions, telephone their office and ask them to send you a copy. If you still haven't received a copy before the start of the hearing, ask the Judge politely at the beginning of the appeal if you may have the appeal "stood down" for a few minutes while you read the Respondent's submissions. Then you have some idea of what the Respondent is going to say before you start to talk about your points.

## **HEARING**

Generally the Judge will ask you to have your say first. It is at this time when you have to tell the Judge exactly what your grounds of appeal are and when you must support any arguments you make by referring to legislation or previous cases. Don't worry if the Judge interrupts to ask you questions. Just try and answer them as best as you can, and remember to call the Judge, "Your Honour."

Then the lawyer for the Respondent will give the Judge a response setting out any arguments against what you have said and setting out why they believe your appeal should not win.

The Judge may ask you questions concerning your appeal and will invite you to answer or comment on the arguments made by the lawyer for the Respondent.

The Judge might decide to hand down his decision straight away or could “reserve” (postpone) the decision to a later date or a date to be fixed.

In making a decision, the Judge may dismiss the appeal, allow the appeal, set aside the Magistrates Court decision, substitute a decision, order the case be sent back to the Magistrates Court with directions, make an order as to costs or make other orders. Have these powers in mind when you are presenting your case to the Supreme Court.

If you lose the appeal, the Judge may order you to pay the legal costs of the Respondent. These costs may be very high.

If you lose your appeal, you may make a further appeal to the Court of Appeal from this decision. But, in doing this, you would need to show that the Judge that heard your first appeal was wrong in dismissing your appeal. A second appeal must be made within 21 days after the Judge dismissed your first appeal.

If you wish to do this you may find the **District and Supreme Court Appeal Kit** helpful. This kit can be obtained through contacting Legal Aid.

## **LEGAL WORDS EXPLAINED**

**Affidavit** An Affidavit is a statement of facts sworn in front of a JP or Commissioner for Affidavits.

**Appeal** An appeal is a review of a decision on the basis that the decision maker made an error recognised by the law.

**Appeal Book** This is the collection of documents that the Judge uses to decide your appeal. It should contain copies of the prosecution notice, transcript and appeal documents. It needs to be sent to the Supreme Court and to the other side in the appeal.

**E-appeal** An e-appeal is an electronic appeal. The documents used by the Supreme Court, including the appeal book are scanned onto a computer for easy reference. At present, e-appeals are only used for appeals in the Court of Criminal Appeal - not for appeals before a single Judge. At the appeal, the Judges, the Appellant and the Respondent will each have a computer screen in front of them. As a particular document is referred to, one of the Judge’s

Associates will cause that document to be brought up on the computer screens. E-appeals are useful when there are a lot of documents involved or when appellants have difficulty in preparing their appeal papers on their own.

**Error of Law** An error of law is where the magistrate made a mistake about the law.

**Expedited List** The expedited list is a group of cases dealt with in the Supreme Court that are classified as requiring special urgency such as where one of the parties is suffering from a terminal illness.

**Legal Aid** To apply for legal aid for an appeal, you should fill out a legal aid application form and either mail it to the Legal Aid office or put your name down to see Legal Aid at the prison. A decision will then be made to grant or refuse aid for your appeal. If you are refused aid, you have a right to ask for reconsideration. If you are refused aid after reconsideration, you have a right to ask that the Review Committee consider your application.

**Listings** The Listings Office at the Supreme Court has the responsibility to schedule appeals for hearing in the Supreme Court.

**Respondent** The Respondent is the other side in your appeal. The Respondent is usually the State represented by a lawyer from the DPP or State Solicitor's office.

**Submissions** An Outline of Submissions is a written outline of your appeal argument.

**Transcript** Transcript is the type written record of what happened in court.

## **DIRECTORY**

### **METROPOLITAN MAGISTRATES COURTS**

#### **Central Law Courts .**

##### **Perth Magistrates Court**

Level 2, 30 St George's Terrace,  
Perth, 6000  
Telephone: 9425 2222

##### **Armadale Magistrates Court**

109 Jull Street, Armadale, 6112  
Telephone: 9399 5755

##### **Fremantle Magistrates Court**

8 Holdsworth Street  
Fremantle WA 6962  
Telephone: 9431 0300

##### **Joondalup Magistrates Court**

21 Reid Promenade, Joondalup,  
6027  
Telephone: 9400 0700

##### **Mandurah Magistrates Court**

333 Pinjarra Road, Mandurah,  
6210  
Telephone: 9581 4000

##### **Midland Magistrates Court**

24 Spring Park Road, Midland,  
6056  
Telephone: 9250 0200

##### **Rockingham Magistrates Court**

15-17 Whitfield Street  
Rockingham WA 6188  
Telephone: 9527 6433

### **REGIONAL MAGISTRATES COURTS**

##### **Albany Magistrates Court**

184 Stirling Terrace, Albany,  
Telephone: (08) 9841 1222

##### **Broome Magistrates Court**

Hammersley Street, Broome  
Telephone: (08) 9192 1137

##### **Bunbury Magistrates Court**

3 Stephen Street, Bunbury  
Telephone: (08) 9722 0443

##### **Busselton Magistrates Court**

Queen Street, Busselton

##### **Katanning Magistrates Court**

Clive Street, Katanning  
Telephone: (08) 9821 1177

##### **Kununurra Magistrates Court**

Coolibah Drive, Kununurra  
Telephone: (08) 9168 1011

##### **Manjimup Magistrates Court**

Mount Street, Manjimup  
Telephone: (08) 9771 1316

##### **Merredin Magistrates Court**

Mitchell Street, Merredin

Telephone: (08) 9752 1066

**Carnarvon Magistrates Court**

Robinson Street, Carnarvon,  
Telephone: (08) 99411082

**Collie Magistrates Court**

Wittenoom Street, Collie  
Telephone: (08) 9734 2061

**Derby Magistrates Court**

Loch Street, Derby  
Telephone: (08) 9191 1406

**Esperance Magistrates Court**

Dempster Street, Esperance  
Telephone : (08) 9071 2444

**Geraldton Magistrates Court**

Marine Terrace, Geraldton  
Telephone: (08) 9921 3722

**Kalgoorlie Magistrates Court**

Brookman Street, Kalgoorlie  
Telephone: (08) 9021 2005  
Roebourne Magistrates Court

**Hampton Street, Roebourne**

Telephone: (08) 9182 1281

OTHER ADDRESSES:

**WA DIRECTOR OF PUBLIC PROSECUTIONS**

Office of the Director of Public Prosecutions for Western Australia  
Level 17, Westralia Square  
141 St George's Terrace  
PERTH WA 6000

Telephone: (08) 9264 1750

**COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**

Commonwealth Director of Public Prosecutions

Telephone: (08) 9041 1064

**Moora Magistrates Court**

Dandaragon Street, Moora  
Telephone: (08) 9651 1407

**Narrogin Magistrates Court**

Fortune Street, Narrogin  
Telephone: (08) 9881 1722

**Northam Magistrates Court**

Wellington Street, Northam  
Telephone: (08) 9622 1035

**Pinjarra Magistrates Court**

South West Highway, Pinjarra  
Telephone: (08) 9531 3005

**Port Hedland Magistrates Court**

Edgar Street, Port Hedland  
Telephone: (08) 9 173 2117

**Karratha Magistrates Court,**

Balmoral Street, Karratha,  
Telephone: (08) 9185 2922

**STATE SOLICITOR**

State Solicitor's Office  
Level 14, Westralia Square  
141 St George's Terrace  
PERTH WA 6000

Telephone: (08) 9264 1888

**SUPREME COURT REGISTRY**

The Registrar  
Supreme Court of Western Australia

8th Floor  
66 St George's Terrace  
PERTH WA 6000

Telephone: (08) 9264 7264

Stirling Gardens  
Barrack Street  
Perth WA 6000

Telephone: (08) 9421 5333

<b>MAGISTRATES COURT of WESTERN AUSTRALIA</b> <b>REQUEST TO INSPECT OR OBTAIN COPY OF A COURT RECORD</b> Magistrates Court Act 2004 s. 33 Magistrates Court (General) Rules 2005 - Form 1	Magistrates court at			
	Date Lodged			
	Fee Paid		Receipt No.	

<b>Applicant</b>	Full name			
	Address		Telephone No	
	Email address		Fax No	

Case details	Case No.		Civil / Criminal
Records wanted	Parties		

Application by a party [delete if not applicable]	I am a party to the above case and I would like: <input type="checkbox"/> to inspect; <input type="checkbox"/> to obtain a copy of; the above records. <input type="checkbox"/> <small>(tick if applicable)</small> I apply for the fee to be waived, as I am a sentenced prisoner and my earliest release date is
--	--

Application by non-party [tick one box]	I am not a party to the above case. I would like to inspect or obtain the above records because: <input type="checkbox"/> the case is a criminal case and I am a person referred to in the <i>Magistrates Court Act 2004. 33(7)</i> ; or <input type="checkbox"/> [set out grounds for the request].
--	--

Signature of Applicant		Date
------------------------	--	------

<b>REQUEST FOR COPY OF COURT DOCUMENT</b>	Document required	Prosecution Notice/Other
	Certification required	Yes/No
	Date of hearing	
	Last court appearance	
	Description of charges	

I undertake to pay the following costs:  
 \$1.50 per copy of finalised prosecution notice (uncertified)  
 \$12.50 per copy of finalised prosecution notice (certified)  
 \$1.50 per copy of each annexure to notice or “And Further”

<b>Signature of Applicant</b>		<b>Contact telephone number</b>
---------------------------------------	--	---------------------------------

<b>REQUEST FOR TRANSCRIPT</b>	Date of hearing	
	Magistrate’s name	
	Section of transcript required	<input type="checkbox"/> <b>Entire</b> <input type="checkbox"/> <b>Reasons for Decision</b> <input type="checkbox"/> <b>Evidence of</b> <input type="checkbox"/> <b>Other</b>
	Transcript format required	<input type="checkbox"/> <b>Paper</b> <input type="checkbox"/> <b>Electronic</b>
	Electronic formats available	<input type="checkbox"/> <b>Electronic 3.5 h</b> <input type="checkbox"/> <b>Plain ASCII</b> <input type="checkbox"/> <b>Marked Up ASCII</b> <input type="checkbox"/> <b>Microsoft Word v8</b> <input type="checkbox"/> <b>Word Perfect 5.1 for DOS</b>

The standard fee for transcript is \$4.50 per page and a minimum fee of \$15.00 is payable  
 Your transcript will take approximately 7 working days depending on its length  
 Once you have been notified your transcript is ready, it is to be collected **WITHIN 14 DAYS**

<b>Signature of Applicant</b>		<b>Contact telephone number</b>
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<u>REQUEST TO APPELLANT LIBRARIAN:</u>	Department Of Justice 3rd Floor, 141 St Georges Tce Perth WA 6000		Fax: (08) 9321 6183			
Requested Material:	Title of Law Report or Journal:					
	Year:	Volume:	Number:	Pages:		
	Parties or Title of Article:					
	Author:					
Prisoner	Name:					
	Prison:					
	I am a Self Represented Appellant:			No	Yes	
	The date of my upcoming court appearance is:		Day:	Month:	Year:	
	Copyright Declaration	I request a copy of this item for personal use and declare that: I require this copy for the purpose of research or study, I will not use it for any other purposes, and I have not previously been supplied with a copy of this item by an authorised officer of the library.				
	<b>Signature:</b>			<b>Date:</b>		
Prison Librarian:	Name: Signature:		Date:			
Appellant Librarian:	Source of Material:	Inter Library Loan Required:				
		Law Journal Title:				
		Law Report Title:				
		Holding Library:				
		WCOD holding:				
	<b>Copy Details:</b>	Date	No of Pages:	Request Number:		
	Sent to Prison:		Date:			
<b>Signature:</b>						
Received at Prison:	Signature:			Date		
	Confirmed by return Facsimile:			Date:		

	Passed to Prisoner:	Date:
--	---------------------	-------

This Declaration must be filed in chronological order and retained for four (4) years.

### **Procedure for Requesting Legal Materials**

- Prisoner to complete request form (copy attached) and give to Prison Librarian.
- Prison Librarian to check the form for details and legibility, then sign and date form.
- Prison Librarian to fax requests in batches to Appellant Librarian in Head Office by close of business Thursday. Fax number 9321 6183 attention Appellant Librarian, Department of Justice, level 3, 141 St Georges Terrace.
- Appellant Librarian to collect faxed requests from Head Office on Fridays.
- Appellant Librarian to verify request details and locate source material.
- Appellant Librarian to obtain hard copy of materials requested from appropriate sources.
- Appellant Librarian to deliver materials to Prison Librarian (via Australia Post from Head Office) on the following Tuesday. Packages to be marked Urgent Legal Materials.
- Appellant Librarian to keep copies of completed requests for Copyright purposes for four years.
- Prison Librarian to advise Appellant Librarian of receipt of requests by fax, log requests and deliver materials to prisoners

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No:
		<b>APPEAL NOTICE</b>
Parties to the appeal	Appellant  Respondent	
<b>Primary court's decision</b>		
Primary court	at	
Prosecution Notice No.		
Parties		
Date of decision		
Judicial officer		
<b>Decision details<sup>1</sup></b>		
Conviction recorded <sup>2</sup>		
Sentence imposed <sup>3</sup>		
Other orders made <sup>4</sup>		
<b>Appeal details</b>		
Notice of appeal [Tick one or more boxes]	<input type="checkbox"/> The appellant applies to the Court for leave to appeal against the above conviction. <input type="checkbox"/> The appellant applies to the Court for leave to appeal against -- <input type="checkbox"/> the above sentence <input type="checkbox"/> the above order <input type="checkbox"/> <sup>5</sup> The appellant applies to the Court for leave to appeal against the above decision.	

Grounds of appeal <sup>6</sup>	1.	
Notice to the respondent	If you want to take part in this appeal you must lodge a Form 22 under the Criminal Procedure Rules 2005 within 7 days after you are served with this notice and serve it on the appellant.	
Last date for appealing	Last date:  Is an extension of time needed? Yes/No	
Legal representation	Is the appellant legally represented in this appeal? Yes/No <sup>7</sup>  Is the appellant applying for legal aid? Yes/No	
Appellant,s details for service <sup>7</sup>		
Name <sup>8</sup> Street address Telephone Email address Reference No.	Fax No.	
Signature of appellant or lawyer	Appellant/Appellant's lawyer	Date:

Notes to Form 20 --

1. If the appeal is not against a conviction or sentence or other order made as a result of a conviction (see the *Criminal Appeals Act 2004* s. 6 "decision"), delete the following and describe the decision being appealed.
2. Describe the offence. E.g. Dangerous driving causing death. If there is more than one conviction, put the details of the other convictions, sentences and orders on an attachment.
3. State the sentence. E.g. Imprisonment for 18 months with a parol eligibility order cumulative on the sentence for robbery.
4. State any other order made. E.g. Disqualified from holding or obtaining a driver's licence for 4 years.
5. Tick this box if the appeal is against a decision other than a conviction or sentence or other order made as a result of a conviction. See note 1.
6. Set out the grounds in numbered paragraphs.
7. If the appellant is represented by a lawyer, the appellant's details below must be the lawyer's. If the appellant is self-represented, the details must be the appellant's personal details.
8. Leave this line blank if the appellant is self-represented. (Page 2)

SUPREME COURT OF WESTERN AUSTRALIA		NO.:
<i>Criminal Appeals Act 2004 Part 2</i>		<b>AFFIDAVIT</b>
<b>Parties to the Appeal</b>	<i>(Appellant's full name, underlining the family name)</i>	
	Appellant Respondent	
<b>Person making affidavit</b>	<i>(Name of the person making the affidavit)</i>	
<b>Date Made</b>	<i>(Date the affidavit was sworn)</i>	
<b>Purpose</b>	<i>(Reason you are preparing the affidavit)</i>	
<b>Filed by</b>	Appellant	
<b>Index</b>	Contents	Page
	1. Affidavit of 2. Annexure "A" –  <i>List the annexures, describing each one. Number the pages of the affidavit and fill out the index.</i>	
<b>Appellant's details for service</b>		
Name	Fax No	
Street Address		
Telephone no		
Email address		
Reference No.		

I, \_\_\_\_\_ of \_\_\_\_\_ in

the State of Western Australia, \_\_\_\_\_ being

duly sworn MAKE OATH AND SAY AS FOLLOWS :

1.

2.

3.

4.

5.

6.

7.

8.

SWORN by the above named )

Deponent at \_\_\_\_\_ )

in the State of Western Australia )

this \_\_\_\_\_ )

day of \_\_\_\_\_ 20 \_\_\_\_\_ )

before me : )

\_\_\_\_\_  
A Justice of the Peace/ Commissioner for Affidavits

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No:
		<b>SERVICE CERTIFICATE</b>
Parties to the appeal	Appellant  Respondent	
Certificate	I certify that on <sup>[date]</sup> at <sup>[place]</sup> <sup>[name of server]</sup> served the respondent personally with -- <ul style="list-style-type: none"> <li>• a copy of an appeal notice dated <sup>[date]</sup> ; and</li> <li>• a copy of every other document that was lodged with the appeal notice.</li> </ul> I undertake to lodge an affidavit of service if the Court requires me to.	
Signature of appellant or lawyer	Appellant/Appellant's lawyer	Date:

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No:
<b>SERVICE CERTIFICATE</b>		
Parties to the appeal	Appellant  Respondent	
Applicant	Appellant/Respondent	
Application <sup>1</sup>	The Applicant applies for—	
Conference between parties [Tick one box]	<input type="checkbox"/> The parties to this application have conferred about the issues giving rise to this application and have not resolved them. <input type="checkbox"/> The parties to this application have not conferred about the issues giving rise to this application because <sup>2</sup>	
Signature of appellant or lawyer	Appellant/Appellant's lawyer	Date:

Notes to Form 23 --

1. State --  
the order or orders sought; and  
the written law and provision under which the application is made.
2. State the reasons why the parties have not conferred.

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No:
<b>CONSENT NOTICE</b>		
Parties to the appeal	Appellant  Respondent	
Consent	We consent to the following order being made --	
Signature of appellant or lawyer	Appellant/Appellant's lawyer	Date:
Signature of respondent or lawyer	Respondent/Respondent's lawyer	Date:

□

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No:
		<b>REQUEST FOR HEARING</b>
Parties to the appeal	Appellant  Respondent	
Request	The appellant/respondent requests a hearing of the matter decided provisionally by <sup>[name of judge]</sup> on <sup>[date]</sup> in this appeal.	
Signature of party requesting or lawyer	Appellant/Respondent/ Appellant's lawyer/Respondent's lawyer	Date:

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No: <b>DISCONTINUANCE NOTICE</b>
Parties to the appeal	Appellant  Respondent	
Notice	The appellant discontinues this appeal.	
Signature of appellant or lawyer	Appellant/Appellant's lawyer	Date:

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No: APPEAL BOOK
Parties to the appeal	Appellant  Respondent	
<b>Index</b>		
	<b>Document</b>	<b>Page</b>
<b>Appellant's details for service</b>		
Name Street address Telephone Email address Reference No.	Fax No.	
<b>Respondent's details for service</b>		
Name Street address Telephone Email address Reference No.	Fax No.	

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No:
		<b>OUTLINE OF SUBMISSIONS</b>
Parties to the appeal	Appellant	
	Respondent	
<b>Appellant's details for service</b>		
Name Street address Telephone Email address Reference No.	Fax No.	

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No:
		<b>LIST OF AUTHORITIES</b>
Parties to the appeal	Appellant	
	Respondent	
<b>Appellant's details for service</b>		
Name Street address Telephone Email address Reference No.	Fax No.	

