



# Self-represented criminal appeals

*A guide to appealing a conviction  
and/or sentence*

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## Disclaimer

This guide is intended to provide you with information only. If you have a legal problem, you should get legal advice from a lawyer. Legal Aid Queensland believes the information provided is accurate as at April 2019 and does not accept responsibility for any errors or omissions.

We are committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you would like this publication explained in your language, please telephone the Translating and Interpreting Service on 13 14 50 to speak to an interpreter. Ask them to connect you to Legal Aid Queensland. This is a free service.



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# How can this guide help me?

This guide can help you if you have been sentenced and/or convicted in the District or Supreme Court in Queensland and want to appeal your sentence and/or conviction.

This guide explains the process to appeal against your sentence or conviction and will help you prepare for your appeal, including showing you how to fill out the necessary forms.

## Do not use this guide if:

- you are appealing to the High Court of Australia
- you are appealing from the Magistrates Court
- you have appealed from the Magistrates Court to the District Court and lost
- you have received a notice saying the Attorney-General is appealing your sentence
- you are appealing a civil order, such as one under the Dangerous Prisoner (Sexual Offender) Act or the Mental Health Act.

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# Get legal advice

You should get legal advice if you:

- want to find out if you can appeal your sentence and/or conviction from the District or Supreme Court
- entered a guilty plea but now you want to appeal your sentence and/or conviction
- want to appeal a Court of Appeal decision.

Appeals against convictions and sentences are complicated, and there may be risks in appealing a decision from the District or Supreme Court—get legal advice before starting an appeal.

There are also strict time limits for appealing court decisions. Your lawyer can explain how these time frames apply to your case when you get legal advice.

## How can I get legal advice?

You can get legal advice from:

- **Legal Aid Queensland** — call 1300 65 11 88 (for the cost of a local call from a landline in Australia)
- **a community legal centre** — go to [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au) or call 1300 65 11 88 to check services in your area
- **a private lawyer** — call the Queensland Law Society on 1300 367 757 or visit [www.qls.com.au](http://www.qls.com.au) for names of lawyers who can help.

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# Can I get legal aid?

While you may want to represent yourself, you should find out if you can get legal aid for a lawyer to represent you for your appeal. If you have not already applied for legal aid for your appeal, you should apply as soon as possible. Even if you received legal aid for your sentence or trial, you must apply for legal aid again for your appeal.

Demand for our services is high, so we use strict criteria when granting aid for legal representation. This way we can make sure we are using our funding to help those who are least able to afford a lawyer.

We use three sets of criteria to determine if legal aid will be granted. These are the Legal Aid Queensland means test, funding guidelines and in most cases, a legal merits test.

The means test looks at your income (what you earn) and assets (what you own) to see if you are financially eligible for legal aid.

If you support or provide financial help to other people (like a partner or child/ren), the means test will take this into account. If another person supports you, provides financial help to you or can be reasonably expected to provide you with financial help (like a partner), then the means test will take this person's income and assets into account. Please ensure you include their income and asset details in your legal aid application.

The funding guidelines tell us the types of cases we can fund, based on the priorities set for us by the state and federal governments. You can get a complete list of the priorities on our website [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)

When you are applying for legal aid for an appeal you must also meet our merits test before aid can be granted.

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We assess the merit of each person's case by looking at:

- the legal and factual merits of the case and whether your case is more likely to succeed or fail on appeal
- if a sensible person would risk their money to take the case to court
- if the benefit you will receive from having a lawyer justifies spending limited public funds on your particular case.

A senior appeals barrister will decide if your case is more likely to succeed or fail on appeal. Legal Aid Queensland will refuse your application for aid if your appeal is more likely to fail than succeed.

We will send a letter to let you know your application's result.

If you are refused a grant of legal aid for your appeal, you can appeal this decision. You must write to the external review officer within 28 days of the refusal. Write to:

The external review officer  
Legal Aid Queensland  
GPO Box 2449  
Brisbane Qld 4001

If you are refused legal aid for your appeal, or you do not want to be represented by Legal Aid Queensland, you can pay a private lawyer and barrister to represent you.

If you decide to pay a private lawyer and a barrister, you can call the Queensland Law Society to find a lawyer who specialises in appeals. Sometimes the Bar Association of Queensland can help you find a pro bono (no charge) barrister for appeals.

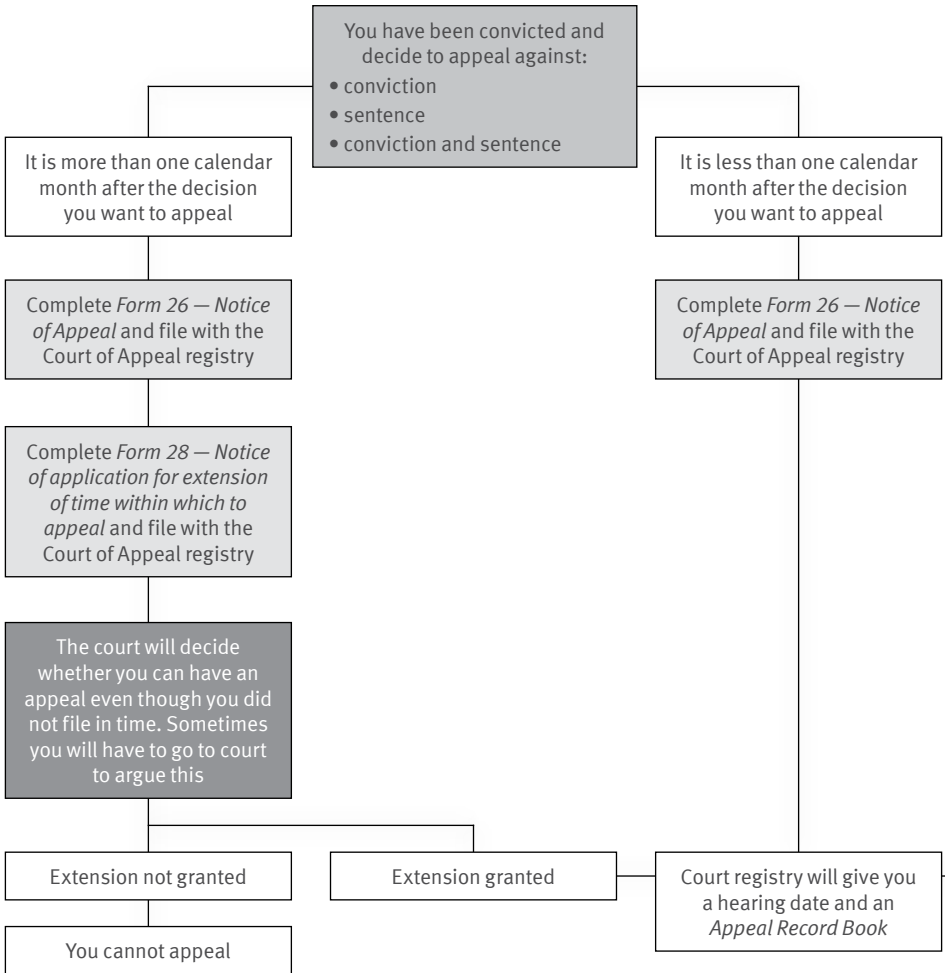
**Queensland Law Society** — 1300 367 757

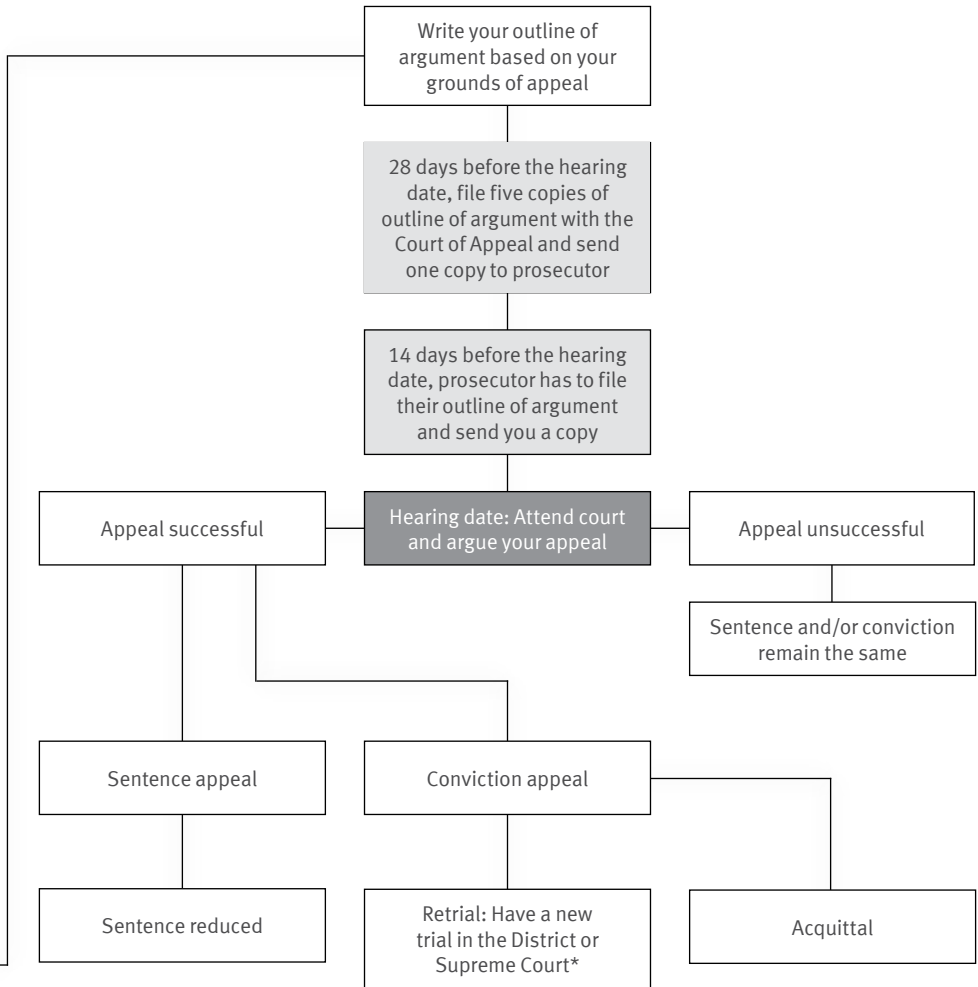
**The Bar Association of Queensland** — 07 3238 5100

Community legal centres can also help you to find private legal services in your area. Call Legal Aid Queensland on 1300 65 11 88 or visit [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au) to find out where your closest community legal centre is.

# Self-represented appeals process

This flow chart shows how the appeals process works when you are representing yourself:





\*Please note: You are not automatically released from jail, but you can apply to the District or Supreme Court for bail.



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# How to start an appeal

## Step 1 — Complete a Notice of Appeal

If you want to appeal against your conviction and/or the sentence imposed in the District or Supreme Court, you must complete a *Form 26 — Notice of Appeal* and file it in the Court of Appeal registry within the appeal time limit. On this form you will need to briefly outline your grounds of appeal.

### What are grounds of appeal?

The grounds for an appeal are the reasons why you think the judge or jury made the wrong decision, or the trial wasn't conducted according to the law. Grounds are the reasons why your conviction should be 'quashed' (declared invalid) or why your sentence should be reduced.

You can decide to appeal on the basis of one or several grounds of appeal. You must keep your grounds of appeal brief and to the point in the *Form 26 — Notice of Appeal*. You will get the opportunity to outline your grounds in more detail further into the appeals process.

### What is an appeal against conviction?

A conviction is the decision made by a judge or jury that a person is guilty of an offence.

If you plead guilty you can appeal against your conviction in some circumstances. You only have one chance at an appeal against conviction.

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Consider using some or all of the following grounds when appealing against your conviction. These grounds are general examples only and do not cover all possible issues, facts or matters that could be raised for a conviction appeal. Get legal advice about your possible grounds for appeal. Some examples are:

- the verdict was not supported by the evidence
- there was an error of law
- there was an error in a ruling during trial
- there was an error in the judge’s summing up to the jury
- the verdict is unreasonable
- there was an irregularity in the trial’s conduct
- any other reason why you think you did not receive a fair trial.

The Court of Appeal looks at the grounds of appeal and has the power to make numerous orders and directions. The most common orders and directions are:

- dismissing the appeal against conviction
- sending the matter back to the originating court for retrial
- quashing the conviction and directing a verdict of acquittal
- substituting a verdict of guilty for a different offence.

## **What is an appeal against sentence?**

A sentence is the penalty a person receives for committing an offence (eg 12 years’ jail time).

Unless the sentence is fixed by law (a ‘mandatory sentence’), a person convicted in the Supreme or District Court can seek leave (ask the court for permission) to appeal against their sentence.

Generally, a person might appeal their sentence if they have good grounds for thinking their sentence is too severe or wrong in law, and want it reduced or replaced with a different sentence altogether.

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This may mean asking the court for:

- a community based order instead of imprisonment
- the head sentence to be reduced (the head sentence is the maximum sentence to be served, eg two years' jail, suspended after nine months; in this example two years is the head sentence)
- a parole date set earlier.

The most common ground of appeal is the sentence is 'manifestly excessive' (ie the penalty was too harsh and not appropriate for the crime).

A sentence may be considered manifestly excessive when:

- the judge miscalculated the length of your sentence (eg the judge did not calculate your days in pre-sentence custody properly)
- there is an error in law (eg the judge thought the maximum sentence was higher than it actually was)
- a serious violent offence declaration was made, but should not have been made
- the judge should not have recorded a conviction as part of your sentence.

The court will consider the grounds of appeal and may compare the sentence with other sentences imposed in similar cases. If the court believes the sentence is manifestly excessive, it will allow the appeal.

If the court allows the appeal, it may change the original sentence.

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## Tips for completing the Notice of Appeal

- Use the sample *Form 26 – Notice of Appeal* on pages 30–38 as a guide for completing your form. Blank forms are available from the Court of Appeal registry (see address listed on page 13) or on the Queensland Courts website ([www.courts.qld.gov.au](http://www.courts.qld.gov.au) on the forms page under the ‘Criminal Practice Rules 1999’ heading).
- If you are in prison, the forms are available from any prison duty lawyer and the prison general manager’s office.
- You must complete all pages and you must fill in all the required details on each page. Handwriting is acceptable.
- If you are not appealing both your sentence and conviction, you must delete whichever type of appeal is not applicable.

## What is the appeal time limit?

There is a strict time limit to file the *Form 26 – Notice of Appeal*. If you are appealing your sentence, you must file the form within one calendar month from the date of your sentence. If you are appealing against conviction, you must file the form one calendar month from your date of conviction. If you are in custody, the date you file the form with Sentence Management is taken to be the filing date in the Court of Appeal.

## How do I work out my appeal time limit?

To work out your one calendar month time limit to appeal, add one calendar month plus one day onto your conviction/sentence date. For example, if you are appealing your sentence and were sentenced on 12 June 2018, you must file your *Form 26 – Notice of Appeal* on or before 12 July 2018.

It is important to remember the time frame for appealing against your conviction will start from the day you were actually convicted, not from the day you were sentenced. So if you were convicted on one day but sentenced on a later day, your one calendar month time frame for appealing your conviction will begin from the day you were convicted.

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## What if I need more time to appeal?

If you want to file the *Form 26 – Notice of Appeal* after the one calendar month appeal period has passed, you will also need to complete and file a *Form 28 – Notice of application for extension of time within which to appeal* at the same time (see sample form on pages 39–41). Blank forms are available from the Court of Appeal registry or on the Queensland Courts website ([www.courts.qld.gov.au](http://www.courts.qld.gov.au) on the forms page under the ‘Criminal Practice Rules 1999’ heading).

You must write very good reasons in your *Form 28 – Notice of application for extension of time within which to appeal* to justify why the Court of Appeal should hear your appeal, such as why your appeal is likely to be successful. Even though you filed your *Form 26 – Notice of Appeal* outside the appeal period, the court will give you a hearing date to argue why your appeal should be heard. Legal aid is not usually granted for these hearings so you must be prepared to represent yourself at the hearing and to argue your actual appeal grounds at the time of the hearing.

The Court of Appeal will then decide whether you will be allowed to appeal, because your *Form 26 – Notice of Appeal* was not filed in time.

If the Court of Appeal grants you an extension, you may want to apply for legal aid for a lawyer to represent you for your appeal.

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## Step 2 — File your Notice of Appeal

You can file your form in person at the Court of Appeal registry during the registry's business hours (8.30am – 4.30pm, Monday to Friday):

Queen Elizabeth II Courts of Law Complex  
Court of Appeal registry  
Ground floor, 415 George Street  
Brisbane Qld 4000

Phone: (07) 3247 4702

Email: [courtofappeal.registry@justice.qld.gov.au](mailto:courtofappeal.registry@justice.qld.gov.au)

Or you can file your form by mail to:

Court of Appeal registry  
PO Box 15167  
City East Qld 4002

If you are in custody, you can file your form with Sentence Management at the correctional centre and they will arrange for it to be filed at the registry. Make sure Sentence Management has received your form within the appeal time limit.

If you are representing yourself at your appeal, the registry will send you a letter to say they have received your form.

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# What if I want to abandon (stop) my appeal?

If you decide to stop your appeal, you can abandon it by filing a *Form 30 – Notice of abandonment of appeal or application* (see the sample form on page 42). Blank forms are available from the Court of Appeal registry or on the Queensland Courts website ([www.courts.qld.gov.au](http://www.courts.qld.gov.au) on the forms page under the ‘Criminal Practice Rules 1999’ heading).

You can formally abandon your appeal up to and including the date of the appeal, but you should abandon as soon as you decide to stop your appeal. File the *Form 30 – Notice of abandonment* in person at the Court of Appeal registry or file it by mail. If you are in prison, you can file it by giving the original to Sentence Management at your centre.

If you do not lodge this form, your appeal will still go ahead. If you are in prison, you will be brought before the Court of Appeal even though you do not want to go ahead with it.

The Court of Appeal registry contact details are:

Queen Elizabeth II Courts of Law  
Ground floor, 415 George Street  
Brisbane Qld 4000  
Phone: (07) 3247 4702  
Email: [courtofappeal.registry@justice.qld.gov.au](mailto:courtofappeal.registry@justice.qld.gov.au)

Court of Appeal registry  
PO Box 15167  
City East Qld 4002

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When you file the *Form 30 – Notice of abandonment* at the Court of Appeal registry, your appeal process will end.

It can be very difficult to start your appeal again once you have abandoned it. Consider your decision carefully before abandoning your appeal.





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## Step 3 — Receive a hearing date for the appeal

Once you've filed your *Form 26 – Notice of Appeal*, it may take several months before you get a hearing date in the Court of Appeal. The Court of Appeal registry will need to get the transcript of your trial or sentence and all the exhibits, and there may be many other appeals waiting to be heard.

The registrar will write to tell you a date for the appeal hearing.

### Can I get bail?

If you have been sentenced to a term of imprisonment, you will not automatically receive bail before your appeal hearing. Appeal bail is granted only in exceptional circumstances. For example, if you received a short term of imprisonment and all or most of it would be served before the appeal hearing, you might be granted bail.

If you don't have bail, you can write to the Court of Appeal registrar to ask for an early hearing date.

If you want to apply for bail, see a prison duty lawyer, the Prisoners' Legal Service or Sentence Management about bail. They may be able to give you Legal Aid Queensland's *Bail by mail* guide.

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## Step 4 — Receive your Appeal Record Book

The *Appeal Record Book* contains the full transcript of your previous hearing, the judge’s summing up and sentencing remarks, and copies of exhibits. The *Appeal Record Book* will be sent to you when it becomes available. If you are representing yourself, you do not have to pay for the *Appeal Record Book*.

The appeal will generally be argued on the basis of the evidence that was before the sentence or trial court. Remember, your appeal is not another opportunity for you to hold another trial or sentence hearing.

The *Appeal Record Book* may not contain all the items or documents that were tendered (given) to the sentencing judge. You can write to the Court of Appeal registry and ask them to include a copy in the *Appeal Record Book* of any items that were tendered to the sentencing judge on your behalf (eg references).

If you want to rely on an exhibit that can’t be included in the *Appeal Record Book* (eg some video footage), you may ask the registry to have it present in court on the day of the appeal.

## Step 5 — Prepare your outline of argument

You must submit a written statement to the Court of Appeal outlining the reasons why your appeal should be granted. This written statement is called an outline of argument and should include the arguments and issues you want the Court of Appeal to consider. The outline must not be more than 10 pages.

It is very important you put all your reasons in writing, as the Court of Appeal judges will read and consider your reasons before the day of appeal.

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On the day of the appeal, the judges will probably not want you to re-argue what you have already put in writing. They will simply want to ask you questions to clear up any misunderstandings or discrepancies. This is why it is so important to argue fully in writing and lodge your arguments with the Court of Appeal registry before the day of the appeal hearing.

You may want to include case authorities (also known as precedents) in your outline of argument. Case authorities are published judgments in previously decided cases. You could use these to show how other people charged with the same offence received a different outcome from the court (eg a lesser sentence or no conviction recorded). Generally, the Court of Appeal will only consider its own or other Appeal Court decisions. Appeal case authorities may be found in university law libraries and the Supreme Court Library in Brisbane. You can also find case authorities on the Supreme Court Library website ([www.sclqld.org.au/caselaw/QCA](http://www.sclqld.org.au/caselaw/QCA)).

Your arguments will be different, depending on whether you are appealing your conviction or sentence. Some common reasons for appealing both are listed below.

## **If you are appealing your conviction**

See page 9 for examples of grounds and reasons for appealing against your conviction.

In your outline of argument, make sure you:

- identify any errors you think the judge made
- only refer to evidence given before the court at trial, not at committal
- don't refer to evidence that witnesses gave in written statements but not in court
- include all points of law you think were wrongly decided

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- include references to all factual matters you believe were favourable to you, which should have caused the jury to have a reasonable doubt about your guilt.

## **If you are appealing your sentence**

See page 10 for examples of grounds and reasons for appealing against your sentence.

Keep the following points in mind when writing your outline of argument:

### **1. Comparable sentences**

The Court of Appeal will not reduce your sentence if it is simply harsh. It must be ‘manifestly excessive’ compared to similar cases for the court to reduce the sentence.

If you want to argue your sentence is manifestly excessive, you should include details of comparable cases in your outline of argument. The court will only consider comparable cases that have similar circumstances to your case.

You may be able to get details of comparable sentences from the Prisoners’ Legal Service.

### **2. Parity**

Parity means where two or more people commit the same crime they should not receive very different sentences.

To have parity, your co-accused’s case must be similar to your own. For example, if your co-accused had less involvement in the offence than you or was a first offender or you have a longer criminal history, then the Court of Appeal will not usually consider your sentence should be the same as your co-accused.

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### 3. Errors in the exercise of sentencing discretion

You may be able to argue the judge made a mistake in sentencing you when they:

- failed to take into account an important matter in your favour (eg you plead guilty very early in the process)
- took an irrelevant fact into account (eg you face further charges you intend to plead not guilty to)
- made a wrong finding of fact (eg the judge said the offence was pre-planned, when there is evidence it was not).

### 4. Totality principle

The totality principle is a legal principle that applies to people being sentenced for different crimes at different times. When a judge is sentencing a person in this situation, they need to ensure each sentence is appropriate for the crime and the total sentence is appropriate for all of the offences committed, and not excessive.

You need to be prepared to argue why your total sentence was too high and what it should have been, given the total criminal offences involved.

### 5. Fresh or new evidence

The Court of Appeal will not usually look at evidence that was not a part of the trial or the sentence, unless there are special reasons. If you want to rely on this type of evidence in your appeal, you need to apply for the court to look at it.

The court will usually only look at new or fresh evidence where the evidence:

- was not available at the time of the trial or sentence and
- would have affected the outcome and
- is credible and believable.

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If you apply for new or fresh evidence to be allowed, you should address each of these three things. You will also need to file a written application for fresh evidence using *Form 38 – Application for leave to adduce evidence*. You can get a copy of the form from the Queensland Courts website ([www.courts.qld.gov.au](http://www.courts.qld.gov.au) on the forms page). You will also need to file a supporting affidavit with the details of the fresh evidence.

## 6. Unacceptable grounds

You cannot use the following grounds to argue your appeal against sentence should be allowed:

- ***You are not guilty***  
You were sentenced because you were found guilty or pleaded guilty. On a sentence appeal, whether you are guilty is not discussed.
- ***You were not as involved in the crime as the prosecutor said***  
Unless your barrister challenged this at your sentence hearing, you cannot normally ask the Court of Appeal to consider facts that were not given to the judge at the time of your sentence.

## Tips for completing your outline of argument

- There is no set form to use for the outline of argument. You can use the sample outline of argument on pages 43–48 as a guide to how to structure your outline.
- Write the reasons for your appeal under different headings.
- Be concise—your outline cannot be more than 10 pages.
- Only refer to evidence actually presented to the court at trial—not evidence given at the committal—or that witnesses gave in written statements but not in court.

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- You must supply one copy of your outline of argument to the respondent and five copies to the Court of Appeal registry. A copy can be emailed to the Court of Appeal registry: [courtofappeal.registry@justice.qld.gov.au](mailto:courtofappeal.registry@justice.qld.gov.au)
  - The court must receive your outline of argument 28 days before the appeal hearing date.
  - When writing your outline, refer to the materials in the *Appeal Record Book*. Include the relevant page number of the *Appeal Record Book*: eg R.12, L30 or LL30–45 (Record Book page 12, line 30 or lines 30–45).



## Step 6 — Read the prosecutor’s outline of argument

Fourteen days before your hearing date, you should receive the prosecutor’s outline of argument stating their reasons why your conviction or sentence should not be changed. You should read the prosecutor’s outline of argument and try to think of reasons why the Court of Appeal should disagree with the prosecutor. You may have to give these further reasons to the court in person when you appear before them. You can prepare a written reply to the prosecutor’s reasons, but you don’t have to. On the day of your appeal hearing, you can tell the Court of Appeal anything you think of that was not in your written outline of argument.

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# Going to court

## Before you arrive

- Check the court's address and location on a map. The Court of Appeal is at:

Queen Elizabeth II Courts of Law Complex  
Level 3, 415 George Street  
Brisbane

Sometimes the Court of Appeal may sit in another court. You should check the law list at [www.courts.qld.gov.au/daily-law-lists](http://www.courts.qld.gov.au/daily-law-lists) or in *The Courier-Mail* on the morning of your hearing.

- If you are in prison, the prison will receive a notice from the Court of Appeal to bring you into the court on your hearing day. Usually you can appear via videolink.
- Organise to arrive at court 30 minutes early. This will give you time to register your arrival at the court counter.
- Allow enough time for the court process and organise child care if needed.
- Dress neatly. Make sure you look clean and don't wear shorts, tracksuits, t-shirts or thongs.
- Bring all of your paperwork, a pen and paper as you may need to take notes during the hearing.
- Organise to take a family member or friend to support you. They can usually come into the courtroom with you and sit in the public gallery.
- If you need an interpreter, you should write to the Court of Appeal registry before your court date and ask for one.



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## When you arrive

- Wait outside the court in the foyer. The court clerk will call your name when the judges are going to hear your appeal. Go into the courtroom and tell the court your name.
- Turn off your mobile phone. Don't eat, drink or chew gum in court.

## What to do when you are called into the courtroom

- Bow your head to acknowledge the judges when you enter or leave the courtroom.
- Stand at the bar table (or in the dock if you are in custody) when the judges are talking to you. Call the judges "Your Honour". Sit down when the prosecutor is talking to the judges.

The judges will ask you to explain why your appeal should be allowed. By the day of your appeal the judges will have read the *Appeal Record Book* and both your and the prosecutor's outline of arguments.

The court will give you a limited opportunity to argue your case. They do not want to hear a lengthy repeat of arguments you have already put in your written outline. At the hearing you should tell the judges:

- your strongest points
- anything new you have thought of since you filed your outline of argument
- why the prosecutor is wrong.

During the hearing the judges may ask you questions. If needed, point out to the judges any relevant part of the *Appeal Record Book* you think they should look at.

If you have nothing to add to the outline of argument you've already given the court, you can tell the judges you do not want to add to your written submissions with oral argument.

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# Judgment

The result of the appeal is called the judgment. The Court of Appeal can give its judgment on the day of your appeal, or if the judges need more time to think about all the arguments, a judgment will be given on a later date. That is called a ‘reserved judgment’. Most decisions are reserved, so it is unlikely you will get a decision on the day you go to court. A judgment can be reserved for days, weeks, or even months.

If you are not in prison, you may attend court the day your reserved judgment is delivered. If you are in prison, you will not be brought to court to receive the judgment. You will be sent a copy of the court’s order.

You can find out what time the judgment will be delivered by checking the Daily Law List on the Queensland Courts website ([www.courts.qld.gov.au/daily-law-lists](http://www.courts.qld.gov.au/daily-law-lists)) or in the *The Courier-Mail* on the day the judgment is being handed down (usually Tuesdays and Fridays). Judgments are usually published on the courts website on the same day they are handed down. You will be given a copy of the judgment.

## What happens if my appeal is successful?

If your conviction appeal is successful, you may be acquitted or you may need to have a retrial in the District or Supreme Court. If you are given a retrial by the court, you are not automatically released on bail, but can apply to the District or Supreme Court for bail. Get legal advice.

If you are successful in your sentence appeal, your sentence may be reduced.

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## Can the court increase my sentence?

If the court is thinking about increasing your sentence, they must let you know during the appeal hearing and give you an opportunity to abandon the appeal.

If you abandon the appeal, your sentence stays the same as it was before you appealed. See page 14 for information on how to abandon your appeal.

Your sentence may be increased if the Attorney-General successfully appeals your sentence.



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## What if I have applied for parole?

If you are in custody and have a fixed date for parole release or a partially suspended sentence, an appeal will not affect your release date.

If you have an eligibility date for parole, you cannot apply for parole until a decision has been made about your appeal.

If you are not sure whether your parole date is a release date or an eligibility date, ask Sentence Management at the prison.

## What if my appeal is unsuccessful?

If you lose your appeal to the Court of Appeal, you might be able to appeal to the High Court of Australia.

The High Court very rarely hears appeals against sentence.

If you want to apply for legal aid to consider if there is merit in a High Court appeal, get legal advice first. You will need to fill in a new *Legal Aid Queensland application form*.

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# Sample documents and forms

## **1. Form 26 – Notice of Appeal for conviction**

Use this form when you want to appeal against your conviction and it has been less than one calendar month since your conviction.

## **2. Form 26 – Notice of Appeal for sentence**

Use this form when you want to appeal against your sentence and it has been less than one calendar month since your sentence.

## **3. Form 26 – Notice of Appeal for conviction and sentence**

Use this form when you want to appeal against your conviction and your sentence and it has been less than one calendar month since your conviction and sentence.

## **4. Form 28 – Notice of application for extension of time within which to appeal**

Use this form when you want to appeal against your conviction and/or your sentence and it has been more than one calendar month since your conviction or sentence. You will also need to complete a Form 26.

## **5. Form 30 – Notice of abandonment of appeal or application**

Use this form when you no longer want to appeal.

## **6. Outline of argument – appealing conviction**

Use this sample when you are appealing against your conviction. Complete your outline of argument after you have lodged your appeal and have been sent the *Appeal Record Book*. Do this 28 days before your hearing date and send a copy to the Court of Appeal registry and the prosecutor.

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## 7. Outline of argument — appealing sentence

Use this sample when you are appealing against your sentence. Complete your outline of argument after you have lodged your appeal and have been sent the *Appeal Record Book*. Do this 28 days before your hearing date and send a copy to the Court of Appeal registry and the prosecutor.

### Note

- These are sample documents and forms to give you an idea of the information you might need to include. Do not copy the information on the sample documents and forms word for word. Use them as a guide only and put in the information about your own situation.
- You will not need to use all these forms. Only use the ones that apply to you.
- If you need advice on how to fill in any of the forms, call Legal Aid Queensland on **1300 65 11 88**.
- Type your answers or write neatly in black or blue pen.
- Make sure the information you use is correct and always double-check the spelling of the names of other people involved.

# Sample 1: Form 26 – Notice of Appeal for conviction

*Criminal Practice Rules 1999*  
Form 26 (Version 8)

Notice of Appeal or application for leave to appeal against conviction or sentence (for appeals other than under the *District Court of Queensland Act 1967, s118*)

(rules 65 and 66)

In the Court of Appeal, Supreme Court of Queensland

The Queen against Jason Matthews

**YOU MUST TICK ONE OF EACH OF THE FOLLOWING:**

A.  I was dealt with as an Adult in the primary court.

OR

I was dealt with as a Child in the primary court.  
*[tick if Youth Justice Act 1992 applicable]*

B.  I was found Guilty after a trial in the primary court.  
*[tick if not guilty plea entered in primary court]*

OR

I pleaded Guilty in the primary court.  
*[tick if guilty plea entered in primary court]*

I, Jason Matthews .....*[name of appellant or applicant]*,  
desire to appeal to the Court of Appeal against-

~~\*(a) my conviction *[if you wish to appeal against your conviction]*;~~

~~\*(b) my sentence *[if you wish to appeal against your sentence]*; or~~

~~\*(c) my conviction and my sentence *[if you wish to appeal against your conviction and your sentence]*.~~

*\*[cross out the paragraphs that do not apply].*

**1. The details of my conviction are-**

Court: Supreme Court

Judge: Judge Jamieson

Date convicted: 3/03/2018

Date sentence passed: 3/03/2018

Offence(s) of which convicted: Manslaughter

Sentence: 12 years' imprisonment.

**The grounds of my appeal/application are-**

- A. The learned trial judge erred in admitting the evidence said to demonstrate a lie.
- B. The learned trial judge erred in failing to direct the jury as to the use they could make of the appellant's lies.
- C. The learned trial judge erred in admitting evidence of other acts of violence against the child not the subject of the charge (propensity evidence).
- D. If the propensity evidence was admissible then it was only admissible to demonstrate the context/relationship in which the relevant assault occurred.
- E. If the learned trial judge was right in admitting the propensity evidence, on either basis he erred in failing to properly direct the jury as to its permissible use.
- F. The appellant did not receive a fair trial because the trial judge failed to adequately sum up the defence case.

**2. Details of the Appellant/Applicant:**

Address of Appellant/Applicant: *[if in custody state Correctional/Detention Centre]*

Arthur Gorrie Correctional Centre

Telephone number: .....

Email Address: .....

**3. Have you engaged a lawyer to act for you this appeal/application: Yes/No**

**If yes:**

Name of lawyer and/or Law Firm: .....

Address for service: .....

.....

Telephone number: .....

Email address: .....

**If no:**

Have you applied or are you applying for Legal Aid?  Yes  No

**If no:**

Do you intend to represent yourself? Yes / No



4. **If legally represented, are you applying to be present when the court considers your appeal/application?**  Yes  No  
*(If representing yourself, ordinarily you are entitled to be present at the hearing.)*

**/Notice to applicant/appellant**

1. *Unless special grounds are shown in form 38 (Application for leave to adduce evidence (rule 108) and are made out the application or appeal will be decided on the same material that was before the trial or sentencing judge.*
2. *If you change your address, or place of custody, or your legal representatives, you must notify the registrar in writing.*
3. *If this notice is not filed with the Registrar or given to the General Manager of the prison or person in charge of any other place in which the person is held in custody within 1 calendar month after the judgment appealed against, you must also complete form 28 (notice of application for extension of time within which to appeal) and attach it to this notice (rule 65 and 66)].*

*[Signed]* Jason Matthews ..... Appellant, applicant or lawyer

Date: 25 June 2018

Place: Brisbane

**Notice of appeal or application for leave to appeal against conviction or sentence  
(for appeals other than under the District Court of Queensland Act 1967, s 118)**

Filed on behalf of: Jason Matthews

Address for service: c/o Arthur Gorrie Correctional Centre

Telephone: .....

Fax / Email: .....

## Sample 2: Form 26 – Notice of Appeal for sentence

*Criminal Practice Rules 1999*  
Form 26 (Version 8)

Notice of Appeal or application for leave to appeal against conviction or sentence (for  
appeals other than under the *District Court of Queensland Act 1967*, s118)

(rules 65 and 66)

In the Court of Appeal, Supreme Court of Queensland

The Queen against Jason Matthews

**YOU MUST TICK ONE OF EACH OF THE FOLLOWING:**

A.  I was dealt with as an Adult in the  
primary court.

OR

I was dealt with as a Child in the  
primary court.  
*[tick if Youth Justice Act 1992  
applicable]*

B.  I was found Guilty after a trial in the  
primary court.  
*[tick if not guilty plea entered in primary  
court]*

OR

I pleaded Guilty in the primary court.  
*[tick if guilty plea entered in primary court]*

I, Jason Matthews .....[name of appellant or  
applicant], desire to appeal to the Court of Appeal against-

~~\*(a) my conviction [if you wish to appeal against your conviction];~~

~~\*(b) my sentence [if you wish to appeal against your sentence]; or~~

~~\*(c) my conviction and my sentence [if you wish to appeal against your  
conviction and your sentence].~~

*\*[cross out the paragraphs that do not apply].*

**1. The details of my conviction are-**

Court: Supreme Court .....

Judge: Judge Jamieson .....

Date convicted: 3/03/2018 .....

Date sentence passed: 3/03/2018 .....

Offence(s) of which convicted: Manslaughter  
Sentence: 12 years' imprisonment; serious violent offender declaration made; 430 days pre-sentence custody declared.

**The grounds of my appeal/application are-**

That the sentence is manifestly excessive.

**2. Details of the Appellant/Applicant:**

Address of Appellant/Applicant: *[If in custody state Correctional/Detention Centre]*

Arthur Gorrie Correctional Centre

Telephone number: .....

Email Address: .....

**3. Have you engaged a lawyer to act for you this appeal/application? Yes/No**

**If yes:**

Name of lawyer and/or Law Firm: .....

Address for service: .....

.....

Telephone number: .....

Email address: .....

**If no:**

Have you applied or are you applying for Legal Aid? **Yes/No**

**If no:**

Do you intend to represent yourself? **Yes / No**

**4. If legally represented, are you applying to be present when the court considers your appeal/application? Yes/No**

*(If representing yourself, ordinarily you are entitled to be present at the hearing.)*

**[Notice to applicant/appellant**

1. Unless special grounds are shown in form 38 (Application for leave to adduce evidence (rule 108) and are made out the application or appeal will be decided on the same material that was before the trial or sentencing judge.
2. If you change your address, or place of custody, or your legal representatives, you must notify the registrar in writing.
3. If this notice is not filed with the Registrar or given to the General Manager of the prison or person in charge of any other place in which the person is held in custody within 1 calendar month after the judgment appealed against, you must also complete form 28 (notice of application for extension of time within which to appeal) and attach it to this notice (rule 65 and 66)].

[Signed] *Jason Matthews*.....Appellant, applicant or lawyer

Date: 25 June 2018

Place: Brisbane

**Notice of appeal or application for leave to appeal against conviction or sentence  
(for appeals other than under the District Court of Queensland Act 1967, s 118)**

Filed on behalf of: Jason Matthews

Address for service: c/o Arthur Gorrie Correctional Centre

Telephone: .....

Fax: .....

### Sample 3: Form 26 – Notice of Appeal for conviction and sentence

*Criminal Practice Rules 1999*  
Form 26 (Version 8)

Notice of Appeal or application for leave to appeal against conviction or sentence (for appeals other than under the *District Court of Queensland Act 1967*, s118)

(rules 65 and 66)

In the Court of Appeal, Supreme Court of Queensland

The Queen against Jason Matthews

**YOU MUST TICK ONE OF EACH OF THE FOLLOWING:**

A.  I was dealt with as an Adult in the primary court.

OR

I was dealt with as a Child in the primary court.  
*[tick if Youth Justice Act 1992 applicable]*

B.  I was found Guilty after a trial in the primary court.  
*[tick if not guilty plea entered in primary court]*

OR

I pleaded Guilty in the primary court.  
*[tick if guilty plea entered in primary court]*

I, Jason Matthews .....*[name of appellant or applicant]*, desire to appeal to the Court of Appeal against-

~~\*(a) my conviction *[if you wish to appeal against your conviction];*~~

~~\*(b) my sentence *[if you wish to appeal against your sentence];* or~~

\*(c) my conviction and my sentence *[if you wish to appeal against your conviction and your sentence].*

*\*[cross out the paragraphs that do not apply].*

**1. The details of my conviction are-**

Court: Supreme Court .....

Judge: Judge Jamieson .....

Date convicted: 3/03/2018 .....

Date sentence passed: 3/03/2018 .....

Offence(s) of which convicted: Manslaughter

Sentence: 12 years' imprisonment; serious violent offender declaration made; 430 days pre-sentence custody declared.

**The grounds of my appeal/application are-**

- A. The learned trial judge erred in admitting the evidence said to demonstrate a lie.
- B. The learned trial judge erred in failing to direct the jury as to the use they could make of the appellant's lies.
- C. The learned trial judge erred in admitting evidence of other acts of violence against the child not the subject of the charge (propensity evidence).
- D. If the propensity evidence was admissible then it was only admissible to demonstrate the context/relationship in which the relevant assault occurred.
- E. If the learned trial judge was right in admitting the propensity evidence, on either basis he erred in failing to properly direct the jury as to its permissible use.
- F. The appellant did not receive a fair trial because the trial judge failed to adequately sum up the defence case.
- G. The sentence is manifestly excessive.

**2. Details of the Appellant/Applicant:**

Address of Appellant/Applicant: *[if in custody state Correctional/Detention Centre]*

Arthur Gorrie Correctional Centre

Telephone number: .....

Email Address: .....

**3. Have you engaged a lawyer to act for you this appeal/application: Yes/No**

If yes:

Name of lawyer and/or Law Firm: .....

Address for service: .....

Telephone number: .....

Email address: .....

**If no:** Have you applied or are you applying for Legal Aid?  Yes  No

**If no:** Do you intend to represent yourself? Yes / No

4. **If legally represented, are you applying to be present when the court considers your appeal/application?**  Yes  No

*(If representing yourself, ordinarily you are entitled to be present at the hearing.)*

**[Notice to applicant/appellant**

1. *Unless special grounds are shown in form 38 (Application for leave to adduce evidence (rule 108) and are made out the application or appeal will be decided on the same material that was before the trial or sentencing judge.*
2. *If you change your address, or place of custody, or your legal representatives, you must notify the registrar in writing.*
3. *If this notice is not filed with the Registrar or given to the General Manager of the prison or person in charge of any other place in which the person is held in custody within 1 calendar month after the judgment appealed against, you must also complete form 28 (notice of application for extension of time within which to appeal) and attach it to this notice (rule 65 and 66)].*

*[Signed]* Jason Matthews.....Appellant, applicant or lawyer

Date: 25 June 2018

Place: Brisbane

**Notice of appeal or application for leave to appeal against conviction or sentence (for appeals other than under the District Court of Queensland Act 1967, s 118)**

Filed on behalf of: Jason Matthews

Address for service: c/o Arthur Gorrie Correctional Centre

Telephone: .....

Fax: .....

# Sample 4: Form 28 – Notice of application for extension of time within which to appeal

*Criminal Practice Rules 1999*  
Form 28 (Version 7)  
Notice of application for extension of time within which to appeal

(rule 65(3))

In the Court of Appeal, Supreme Court of Queensland

The Queen against Jason Matthews

**YOU MUST TICK ONE OF EACH OF THE FOLLOWING:**

A.  I was dealt with as an Adult in the primary court.

*OR*

I was dealt with as a Child in the primary court.  
*[tick if Youth Justice Act 1992 applicable]*

B.  I was found Guilty after a trial in the primary court.  
*[tick if not guilty plea entered in primary court]*

*OR*

I pleaded Guilty in the primary court.  
*[tick if guilty plea entered in primary court]*

I, *Jason Matthews*, apply to the Court of Appeal against for an extension of the time within which I may give notice of appeal (or notice of application for leave to appeal).

1. **The details of my conviction are-**  
Court: Supreme Court of Brisbane

Judge: Judge Jamieson

Date convicted: 3/03/2018

Date sentence passed: 3/03/2018

Offence(s) of which convicted: Manslaughter

Sentence: 12 years' imprisonment

Form 28 (Version 7), approved 10 September 2018  
(Rule 65(3))



**2. The grounds of my application are-**

- A. The learned trial judge erred in admitting the evidence said to demonstrate a lie.
- B. The learned trial judge erred in failing to direct the jury as to the use they could make of the appellant's lies.
- C. The learned trial judge erred in admitting evidence of other acts of violence against the child not the subject of the charge (propensity evidence).
- D. If the propensity evidence was admissible then it was only admissible to demonstrate the context/relationship in which the relevant assault occurred.
- E. If the learned trial judge was right in admitting the propensity evidence, on either basis he erred in failing to properly direct the jury as to its permissible use.
- F. The appellant did not receive a fair trial because the trial judge failed to adequately sum up the defence case.
- G. The sentence is manifestly excessive.

The reason for my appeal being out of time is:  
My lawyers failed to file the notice in time. I thought that my lawyers had filed the notice in time but I found out on 20 June 2018 that no appeal had been started. I immediately asked a guard at the prison how I could appeal and they told me I should contact Legal Aid or my lawyer. I put my name on the list to see Legal Aid and they sent me the forms. As soon as I received the forms I have filled them out.

**3. Details of the Applicant:**

Address of Applicant: *[if in custody state Correctional/Detention Centre]*

Arthur Gorrie Correctional Centre

Telephone number: .....

Email Address: .....

4. Have you engaged a lawyer to act for you this application: Yes  No

If yes:

Name of lawyer and/or Law Firm: .....

Address for service: .....

Telephone number: .....

Email address: .....

If no:

Have you applied or are you applying for Legal Aid?  Yes  No

If no:

Do you intend to represent yourself? Yes / No

5. If legally represented, are you applying to be present when the court considers your application?  Yes  No

*(If representing yourself, ordinarily you are entitled to be present at the hearing.)*

**/Notice to applicant/appellant**

1. *If you change your address, or place of custody, or your legal representatives, you must notify the registrar in writing.*
2. *This notice must be attached to Form 26 (Notice of appeal or application for leave to appeal against conviction or sentence (rules 65 and 66))*

*Jason Matthews*

*[Signed]* Appellant or lawyer

Date: 25 June 2018

Place: Brisbane

**Notice of application for extension of time within which to appeal**

Filed on behalf of: Jason Matthews

Address for service: Arthur Gorrie Correctional Centre

Telephone:

Fax:

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## Sample 5: Form 30 — Notice of abandonment of appeal or application

*Criminal Practice Rules 1999 (rules 69 & 70)*

**Form 30, Version 2 — Notice of abandonment of appeal or application**

In the Court of Appeal, Supreme Court of Queensland

The Queen against Jason Matthews

I, Jason Matthews, abandon my appeal (or application).

**1. The details of my appeal (or application) are—**

Date notice of appeal (or application) filed: 25 June 2018

Court of Appeal number: 555 of 2018

**2. The details of my conviction are—**

Court: Supreme Court of Brisbane

Judge: Judge Jamieson

Date convicted: 3/3/2018

Date sentence passed: 3/3/2018

Offence(s) of which convicted: Manslaughter

Sentence: 12 years' imprisonment

Address: Arthur Gorrie Correctional Centre

Lawyer: n/a self represented

***[Notice to appellant/applicant***

*Your appeal or application is taken to be refused or dismissed by the court when this notice is given to the registrar (rules 69 and 70).]*

*[Signed]* Appellant or applicant

*Jason Matthews*

Date: 1 August 2018

Place: Brisbane

*[At the lower left corner of the first page:]*

**Notice of abandonment of appeal or application**

Filed on behalf of: Jason Matthews

Address for service: Arthur Gorrie Correctional Centre

Telephone:

Fax/Email:

Form 30, Version 2, approved 10 September 2018

Criminal Practice Rules rr 69 and 70

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## Sample 6: Outline of argument — appealing conviction

### Sample 6: Outline of argument – appealing conviction

Use this form when you are appealing against your conviction. Complete it after you have received the Appeal Record Book from the court and have been allocated a hearing date. After you have completed it, send it to the Court of Appeal registry and the prosecutor. You must do this 28 days prior to your hearing date.

#### **IN THE COURT OF APPEAL SUPREME COURT OF QUEENSLAND**

**C.A. No. 555 of 2018**

**AND**

**THE QUEEN**

- v -

**JASON MATTHEWS**  
(Appellant)

#### **OUTLINE OF ARGUMENT ON CONVICTION -- ON BEHALF OF THE APPELLANT**

1. Introduction
  - 1.1 Jason Matthews was charged with manslaughter in relation to the death of his 3 year old daughter, Bianca Matthews on 30 December 2017. The Crown alleged the deceased was killed as a result of injuries sustained during an assault in the course of which the appellant delivered blows. Criminal responsibility was said to arise under Section 7(1) Code.
  - 1.2 The principal evidence against him fell into two categories:
    - (i) the medical evidence of a pathologist and a neuropathologist
    - (ii) the tape recorded confession of the appellant.
  - 1.3 He was tried before Judge Jamieson in the Supreme Court at Brisbane. The trial commenced on 12 February 2018 and ended on 3 March 2018. He was convicted of manslaughter and sentenced to 12 years' imprisonment.

2. Summary of evidence

Write a summary of all relevant evidence here, up to 10 pages long. Make sure you note all references to the *Appeal Record Book*.

Here are some sample paragraphs for a Summary of evidence:

The central evidence in the trial came from four witnesses, the arresting officer, John Smith, a forensic pathologist, Sarah Brown, the mother of the deceased, Anna Matthews, and a neighbour, Louise Street.

Officer John Smith gave evidence that on 30 December 2017 police communications received a '000' call which detailed concerns from a neighbour about screaming inside the relevant address. He attended the address, arranged for an ambulance to attend, located various items of evidence and arrested the appellant. When in the police car going to the station, the appellant told him that he hurt his right hand a week before playing football.

Dr Sarah Brown gave evidence that the death was caused by a number of blows of moderate force to the head with either a blunt instrument or a clenched fist.

Anna Matthews gave evidence that she was at her sister's at the relevant time but that she received 26 missed calls from the appellant and text messages saying, "I've had it!" and "I'm sorry". She gave evidence that he was violent to her and to the deceased many times before and that he had no injury to his right hand when she left home the day before the incident.

Louise Street gave evidence that she heard a male adult voice screaming, crying from a child and the sound of slapping and whacking. She had heard that sort of thing many times before but this time it went on so long she called the police.

### 3. Grounds of appeal

It is submitted the trial miscarried because:

- A. The learned trial judge erred in admitting the evidence said to demonstrate a lie.
- B. The learned trial judge erred in failing to direct the jury as to the use they could make of the appellant's lies.
- C. The learned trial judge erred in admitting evidence of other acts of violence against the child not the subject of the charge (propensity evidence).
- D. If the propensity evidence was admissible then it was only admissible to demonstrate the context/relationship in which the relevant assault occurred.
- E. If the learned trial judge was right in admitting the propensity evidence, on either basis he erred in failing to properly direct the jury as to its permissible use.
- F. The appellant did not receive a fair trial because the trial judge failed to adequately sum up the defence case.

### 4. Submissions

Write down all the reasons why each ground of appeal should succeed. For example:

Grounds A and B:

Evidence of when and how the appellant's hand injury occurred was admitted, over objection. The evidence of Anna Matthews was demonstrated in cross-examination to be unreliable due to her poor memory and inaccurate description of the events of the preceding week. The evidence was not such as to demonstrate that it was a lie told in consciousness of guilt, but the jury were directed that they could consider it for that purpose. The jury should have been directed that they had to be convinced that it was, in fact, a lie, before they could reason toward the appellant's guilt.

Grounds C, D and E:

The evidence from Anna Matthews of prior assaults upon the deceased should not have been admitted because the evidence was unreliable, uncorroborated and so vague as to detail as to be worthless in the jury's consideration of the case. The evidence was more prejudicial than probative and should have, therefore, been excluded from the jury's consideration.

The directions given by the judge did not satisfy the requirements in *R v ABC* [2016] QCA 1 in that they did not define the conduct concerned and overstated the use to which that evidence could be put.

Ground F:

During her summing up, the learned trial judge spent almost two hours summarising the crown case but only twelve minutes summarising the defence case. She missed vital portions of the defence case and misstated the evidence of the level of screaming heard by Louise Street. *R v XYZ* [2013] QCA 2 is authority for the position that a summing up must be fair and balanced and properly state the evidence given during the trial without embellishment or flourish.

5. Orders sought

Write down what orders you want the court to make.

Signed: *J Matthews*

Dated: *10 August 2018*

SAMPLE

## Sample 7: Outline of argument – appealing sentence

Use this form when you are appealing against your sentence. Complete it after you have received the Appeal Record Book from the court and have been allocated a hearing date. After you have completed it, send it to the Court of Appeal registry and the prosecutor. You must do this 28 days prior to your hearing date.

**IN THE COURT OF APPEAL  
SUPREME COURT OF QUEENSLAND**

**C.A. No. 555 of 2018**

**THE QUEEN**

- v -

**JASON MATTHEWS**  
Applicant

**OUTLINE OF ARGUMENT ON BEHALF OF THE APPLICANT**

**1. Date and nature of offence/s:**

Date of offence/s	Nature of offence/s
December 30, 2017	Manslaughter

**2. Court and Judicial Officer:**

- 2.1. Supreme Court, Brisbane.
- 2.2. Justice Jamieson

**3. Date of conviction:**

- 3.1. 3 March, 2018

**4. Date of sentence:**

- 4.1. 3 March, 2018

**5. Age and date of birth of offender:**

- 5.1. 27.
- 5.2. Born 6 June 1992

**6. Sentence imposed:**

- 6.1. 12 years' imprisonment.
- 6.2. The applicant was declared as having committed a serious violent offence.
- 6.3. There was a declaration made in relation to 430 days of pre-sentence custody.



**7. Prior criminal history:**

- 7.1. The applicant, among other offences, has two previous convictions for assault occasioning bodily harm in 2007 and 2008.<sup>1</sup>

**8. Circumstances of offence in respect of which appeal is brought:**

Jason Matthews was charged with manslaughter in relation to the death of his 3 year old daughter, Bianca Matthews, on 30 December 2017. The Crown alleged that the deceased died as a result of injuries sustained during an assault in the course of which the appellant delivered blows. Criminal responsibility was said to arise under Section 7(1) Code.

**9. Matters relied on by the applicant**

- 9.1. It is submitted that the sentencing discretion has miscarried because the learned judge erred in:
- 9.1.1. Not taking into account the applicant's rehabilitation.
- 9.1.2. Imposing a sentence outside the permissible range.
- 9.2. The Crown submitted the appropriate range was 10-12 years' imprisonment. The judge determined the range was 10-14 years imprisonment. If it is accepted that 14 years is the top of the range then it is submitted the imposition of a head sentence of 12 years' imprisonment is excessive.

**10. Grounds upon which the appeal is based:**

- 10.1. The sentence is manifestly excessive.

**11. Sentence which should have been imposed:**

- 11.1. 10 years' imprisonment.

Signed: *J Matthews*

Dated: *10 August 2018*

<sup>1</sup> see R 267-270.

<sup>2</sup> see R 250 15-10.

<sup>3</sup> see R 264 140-50.

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# Legal words and terms explained

**Abandonment** — to give up or stop and appeal or application. You must file a *Form 30 — Notice of abandonment of appeal or application*.

**Acquittal** — a judgment that a person is not guilty of a criminal offence.

**Appeal** — a procedure where a court decision is reviewed by a higher court.

**Appellant** — the person who appeals a lower court's decision to a higher court.

**Comparable sentences** — sentences given to others for the same or similar crime.

**Conviction** — a judgment or verdict that a person is guilty of an offence.

**Court of Appeal** — the court that hears appeals from the Supreme and District Courts, usually comprising of three Supreme Court judges.

**Filing** — the process where documents are accepted by a court. The court often stamps its seal on the filed document as evidence it was received.

**Head sentence** — the maximum sentence to be served, eg two years' jail, suspended after nine months. In this example two years is the head sentence.

**Judgment** — the court's decision about your matter.

**Prosecutor** — the person who brings a court action against another, usually only used for criminal proceedings.

**Quash** — to overturn or set aside, eg to quash a conviction.

**Registry** — the part of the court where all documents are filed.

**Sentence** — the penalty for committing an offence.







# Your local Legal Aid Queensland office

## **Brisbane**

44 Herschel Street  
BRISBANE Q 4000

## **Bundaberg**

3rd Floor  
WIN Tower  
Cnr Quay & Barolin Streets  
BUNDABERG Q 4670

## **Caboolture**

Ground Floor  
Kingsgate  
42 King Street  
CABOOLTURE Q 4510

## **Cairns**

Level 2  
Cairns Square Complex  
42-52 Abbott Street  
CAIRNS Q 4870

## **Inala**

Level 1  
Inala Commonwealth Offices  
20 Wirraway Parade  
INALA Q 4077

## **Ipswich**

Level 7, 117 Brisbane Street  
IPSWICH Q 4305

## **Mackay**

Ground Floor  
17 Brisbane Street  
MACKAY Q 4740

## **Maroochydore**

Ground Floor  
M1 Building  
1 Duport Avenue  
MAROOCHYDORE Q 4558

## **Mount Isa**

6 Miles Street  
MOUNT ISA Q 4825

## **Rockhampton**

Ground Floor  
35 Fitzroy Street  
ROCKHAMPTON Q 4700

## **Southport**

Level 2  
7 Bay Street  
SOUTHPORT Q 4215

## **Toowoomba**

1st Floor  
154 Hume Street  
TOOWOOMBA Q 4350

## **Townsville**

Level 4  
Northern Securities Building  
22 Walker Street  
TOWNSVILLE Q 4810

## **Woodridge**

1st Floor, Woodridge Place  
Cnr Ewing Road and  
Carmody Street  
WOODRIDGE Q 4114



**For more information about our services visit [legalaid.qld.gov.au](http://legalaid.qld.gov.au)**  
or phone 1300 65 11 88 or 1300 650 143 (Aboriginal and Torres Strait Islander Information Line)

