

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: