

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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