

# Form 5.18                      Court of Appeal—application for leave to appeal out of time against conviction or sentence

*Court Procedures Rules 2006*

(see r 5510 (Appeals to Court of Appeal—registrar’s decision on application for leave to appeal out of time against conviction or sentence))

In the Supreme Court of the Australian Capital Territory

Court of Appeal

Criminal jurisdiction

No ACTCA                      of (*year*)

Appeal against \*[conviction/sentence imposed by Justice (*name of judge*)]

(No SC                      of (*year*))

(*name*)

Applicant

Director of Public Prosecutions

Respondent

**Take notice** that the Court of Appeal will hear an application by the applicant (*state name of applicant*) on (*date*), at (*time*) (or as soon after that as this application can be heard), to make the following orders:

1. The Registrar having refused the applicant’s application for leave to appeal out of time, that the Court of Appeal give the applicant leave to

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Filed for the applicant by:

*(the applicant’s address for service and telephone number or, if the applicant is represented by a solicitor who is the agent of another solicitor, the name and place of business of the other solicitor)*

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appeal out of time from the \*[conviction recorded on (*date*)/sentence imposed by Justice (*name of judge*) on (*date*)].

2. Any other orders that the Court of Appeal considers appropriate.

*(if r 5506 (4) applies)*

\*[The applicant wants to present the applicant's case in writing.]

*(if r 5534 (4) applies)*

\*[The applicant \*[wants/does not want] to be present at the hearing.]

**\*Additional supporting affidavits**

\*This application is supported by the following additional affidavits:

1. Affidavit of (*name*) \*[sworn/affirmed] on (*date*).

2. Affidavit of (*name*) \*[sworn/affirmed] on (*date*).

*(The affidavits that you intend to rely on must be filed in the Court with the application (see r 5506).)*

*(You must, not later than 5 days after the application is filed, serve the following on the Director of Public Prosecutions:*

- (a) a sealed copy of the application;*
- (b) a stamped copy of the accompanying affidavit;*
- (c) a stamped copy of the draft notice of appeal (see r 5508).*

*If you are in custody and not represented by a solicitor, you may serve the documents on the Registrar for service by the Registrar on the Director of Public Prosecutions (see r 5533).)*

Date:

*(signature of applicant/applicant's solicitor)*

*(name of applicant/applicant's solicitor)*

*\*omit if, or whichever is, inapplicable*