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| APPEAL TO THE CROWN COURT FROM A MAGISTRATES’ COURT(INCLUDING A YOUTH COURT) **APPEAL AGAINST CONVICTION OR CONVICTION AND SENTENCE** *(Criminal Procedure Rules, rule 34.3)* |
| Use this form ONLY for an appeal to the Crown Court under CrimPR Part 34 against a conviction or finding of guilt in a criminal case. If you use this form for that, you can also use it for an appeal against a sentence or order. There is a different form for an appeal to the Crown Court against a sentence or order only, and a different form for applying or appealing to the Crown Court about bail under CrimPR 14.8. This form is NOT for use in a non-criminal case, e.g. an appeal about council tax enforcement or about the revocation of a minicab licence.  **You may not need to appeal.** Sometimes a magistrates’ court or youth court can change a decision which it has made, under section 142 of the Magistrates’ Courts Act 1980 and CrimPR 44.3. |
| **Important notice**  (1) an appeal hearing can go ahead even if you do not attend.  (2) if your appeal fails, the court can increase your sentence and make a costs order against you. |
| Appellant’s name and address Name:  Address:  *If the appellant is in custody, give prison or young offender institution number, if known.*  Date of birth:  Email address:  Phone: Mobile:  Offence(s) under appeal:  Appeal from …………………………………. [Magistrates’] [Youth] Court  Magistrates’ / youth court case reference number:  Appeal to the Crown Court at:  Is the appellant represented? YesNo  If yes, give:  Representative’s name:  Representative’s address:  Representative’s email address:  Phone:Mobile:  Representation is:legal aid granted  legal aid applied for  privately funded |
| **1. Complete the box above and give the details required in the boxes below.** If you use an electronic version of this form, the boxes will expand.[[1]](#footnote-1) If you use a paper version and need more space, you may attach extra sheets.  2. Sign and date the completed form.  3. Send the completed form to the magistrates’ or youth court office AND send a copy of the completed form to the prosecutor’s office. You can get the address of the prosecutor’s office from the magistrates’ court where you were convicted. Make sure this appeal notice reaches both those offices not more than 15 business days[[2]](#footnote-2) after the date you were sentenced or committed for sentence to the Crown Court. Otherwise, you will have to ask the Crown Court for permission to appeal out of time and the court may refuse. |

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| (1) This is an appeal to the Crown Court about:  Give brief details of the magistrates’ court or youth court decision about which you are appealing, including the date of that decision (e.g. ‘my conviction for [offence] on [date] [and my sentence of [penalty] for that offence on [date]’).  *If applicable:*  **I need an extension of time for this appeal. My appeal is late because:**  Explain why your appeal is late. Attach copies of any letters or other documents you want the court to see. The time limit for appeal against conviction is 15 business days from the date you were sentenced by the magistrates’ court or committed by that court to the Crown Court for sentence, or from the date the magistrates’ court deferred your sentence. The time limit for appeal against sentence is 15 business days from the date you were sentenced by the magistrates’ court. Only the Crown Court can extend the time limit for appeal.  *If applicable:*  My appeal should be heard urgently because:  Explain why. Attach copies of any letters or other documents you want the court to see. |
| (2) Other applications. I am also applying for:  the suspension of my disqualification, e.g. from driving, until my appeal is heard.  You can ONLY apply for the suspension of a disqualification imposed in this case.  bail until my appeal is heard.  Give reasons for any application you are making:  I want my application(s) considered by  the magistrates’ court  the Crown Court  Each court can consider these applications. You can apply to both. |

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| **(3) The issues in this case.**  Summarise the matters of fact or law which are in dispute.  Are the issues in the case still the same now as they were in the magistrates’ court? If not, explain what is different. |
| (4) Case management in the Crown Court.  Answer the following questions as far as you can. If you do not know the answer to a question, say so. Any answers that you can give will help the Crown Court to arrange an effective appeal hearing, even if you cannot answer every question.  Did you attend the trial in the magistrates’ court?  Yes  No  How long did the trial last in the magistrates’ court? Say if you don’t know or you aren’t sure.  Was there an interpreter for you in the magistrates’ court?  Yes  No  The court may have arranged an interpreter for you if English is not your first language.  Do you need an interpreter in the Crown Court?  Yes  No  You may need an interpreter if English is not your first language.  If yes, in what language (and dialect, if relevant)?  How long do you expect the appeal hearing to last in the Crown Court? Say if you don’t know or you aren’t sure.  A. Case management information about the trial in the magistrates’ court  1. Which prosecution witnesses gave oral evidence in the magistrates’ court? List their names.  2. Were any prosecution witnesses’ written statements read out in the magistrates’ court? If so, which ones? List the witnesses’ names.  3. Which defence witnesses gave oral evidence in the magistrates’ court? List their names.  4. Was there an interpreter for any defence witness in the magistrates’ court?  Yes  No  If yes, list the names of those defence witnesses.  5. Did any defence witnesses who gave oral evidence in the magistrates’ court (including you, if you gave evidence) need special or other measures to help them do so? List the witnesses’ names and describe what the measures were. Special or other measures may include screens, evidence by live link or in private, video recorded interview as evidence, intermediary, breaks in examination or other measures to accommodate disability.  6. Did any of the defence witnesses who gave oral evidence in the magistrates’ court need to be summoned by the court to make them attend? List their names.  7. Were any defence witnesses’ written statements read out in the magistrates’ court? If so, which ones? List the witnesses’ names.  8. In the magistrates’ court, did you introduce evidence or make an application under any of the following Criminal Procedure Rules? If you have no legal representative you may find this question hard to answer. If you are not sure what to put, tick ‘Don’t know’.  Part 16 Written witness statements  Yes  No  Don’t know  Part 17 Witness summonses, warrants and orders  Yes  No  Don’t know  Part 18 Measures to assist a witness or defendant  Yes  No  Don’t know  to give evidence  Part 19 Expert evidence  Yes  No  Don’t know  Part 20 Hearsay evidence  Yes  No  Don’t know  Part 21 Evidence of bad character  Yes  No  Don’t know  Part 22 Evidence of a complainant’s previous sexual behaviour  Yes  No  Don’t know  B. Case management information about your appeal to the Crown Court  1. Which prosecution witnesses will you want to question in the Crown Court if they give evidence? List their names.  2. Which defence witnesses do you want to give oral evidence in the Crown Court? List their names. Include your own name if you intend to give evidence. It is your responsibility to arrange for your witnesses to attend court.  3. Do any defence witnesses need an interpreter in the Crown Court?  Yes  No  If yes, list their names and the language (and dialect, if relevant).  4. Do you think that any of the defence witnesses whom you want to give oral evidence in the Crown Court (including you, if you intend to give evidence) are going to need special or other measures to help them do so? If so, what measures? List the witnesses’ names and describe what measures you think they will need. Special or other measures may include screens, evidence by live link or in private, video recorded interview as evidence, intermediary, breaks in examination or other measures to accommodate disability.  5. Do you think that any of the defence witnesses whom you want to give oral evidence in the Crown Court may be unwilling to do so and will need to be summoned by the court to make them attend? List their names. If you want the Crown Court to issue a witness summons you must ask the court to do so, or give notice in paragraph B7 beneath if that applies.  6. Are there any dates during the next 6 months on which any of the expected defence witnesses, including you, will NOT be available to give evidence (e.g. because they are going to be on holiday)? Give the name of each witness, including you, who will NOT be available at any time during the next 6 months and GIVE THE DATES ON WHICH THEY WILL NOT BE AVAILABLE.  7. If you ticked any ‘yes’ boxes in answer to question A8 above, do you want to introduce the same evidence or make the same application in the Crown Court? Tick ‘yes’ if you do. If you use this form to give notice that you want to introduce evidence or make an application in the Crown Court that you made before in the magistrates’ court then you do not have to give any other notice(s). Otherwise, you must give the notice or make the application required by the rules that apply not more than 15 business days after you send in this appeal notice.  Part 16 Written witness statements  Yes  No  Part 17 Witness summonses, warrants and orders  Yes  No  Part 18 Measures to assist a witness or defendant to give evidence  Yes  No  Part 19 Expert evidence  Yes  No  Part 20 Hearsay evidence  Yes  No  Part 21 Evidence of bad character  Yes  No  Part 22 Evidence of a complainant’s previous sexual behaviour  Yes  No |
| (5) Appeal against sentence or order  If the Crown Court allows your appeal against conviction that will cancel the sentence passed by the magistrates’ court.  If the Crown Court refuses your appeal against conviction you can still appeal against the sentence passed by the magistrates’ court if you want to do so. If you want to appeal against the sentence or order passed by the magistrates’ court, answer these next two questions:  What part(s) of the sentence are you appealing against, and why? For example, are you appealing against the amount of a fine, or against the length of a sentence of imprisonment or detention, or against a disqualification (e.g. from driving)?  What information do you want the Crown Court to take into account in particular? For example, explain any circumstances of which you think the court should take account and mention any report, financial information or other information that you think ought to affect the sentence or other order the court makes. Explain why you think those circumstances or that information matters. |
| **Signed**[[3]](#footnote-3)\*: …………………………………………… **[appellant / appellant’s representative]**  **Date**: …………………………. |

1. This form is at <https://www.gov.uk/government/publications/appeal-against-conviction-or-conviction-and-sentence>. [↑](#footnote-ref-1)
2. This means any day except Saturday, Sunday, Christmas Day, Boxing Day, Good Friday, Easter Monday or a bank holiday. [↑](#footnote-ref-2)
3. \* If you use an electronic version of this form, you may instead authenticate it electronically (e.g. by sending it from an email address recognisable to the recipient). See Criminal Procedure Rules, rule 5.3. [↑](#footnote-ref-3)