



FOR OFFICIAL USE -
PLEASE LEAVE BLANK

CAO No. / /

Form **NG**
(Forms 2 & 3)

**NOTICE and GROUNDS of appeal or application for leave to appeal to
THE COURT OF APPEAL CRIMINAL DIVISION**

ON COMPLETION PLEASE SEND THIS FORM TO THE CROWN COURT WHERE TRIED OR SENTENCED

Please read the notes for guidance attached. Write in **BLACK INK** and use **BLOCK CAPITALS**

The Appellant	Surname _____	Prison Index No _____
	Forenames _____	
	Address _____	Prison _____
	(if not in custody) _____	_____
	_____	_____
postcode _____	Date of birth _____	

The Court where tried Or sentenced	The Crown Court at _____	Name of Judge _____
	Date Trial started _____	Date of conviction _____
	Date of sentence _____	
	Total period of remand in custody prior to sentence _____	

The Conviction(s) and/or sentence(s)	Crown Court Case number(s)	Court Or Charge No.	Offence(s)	Sentence
The full Crown Court case number(s) must be given, and particulars of ALL counts, offences and sentences included				
			Total sentence	

Applications The appellant is applying for: Please tick (3) as appropriate	<input type="checkbox"/> Extension of time in which to apply for leave to	<input type="checkbox"/> Representation Order
	<input type="checkbox"/> Appeal against conviction and/or sentence	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

	Leave to appeal against conviction	Bail
	Leave to appeal against sentence	Leave to call witness

Legal Representation (please use BLOCK CAPITALS)	Name of Counsel	Address	
	Telephone No		
	Reference	Postcode	DX No
	Name of Solicitor	Address	
	Telephone No		
	Reference	Postcode	DX No

Grounds of Appeal	There is no specific format which is required for grounds of appeal but it is helpful for the grounds to be listed separately for conviction or sentence, under the appropriate heading. The grounds must be attached to this application form. Please also see the attached guidance notes, particularly note 8.
	NB. (1) Where grounds have been settled by counsel they must be signed by counsel with the name of counsel printed underneath. Counsel should also indicate whether s/he wishes to perfect grounds.
	(2) Any report which is relied upon and which was not retained by Crown Court must be copied and attached to this application form.
	(3) If an extension of time is needed, the detailed reasons for the delay must be attached to the grounds of appeal, preferably under a separate heading – grounds for extension of time.

Transcripts	On an application for leave to appeal against conviction a transcript of the trial judge's summing up is obtained by the Registrar as a matter of course. On an application for leave to appeal against sentence the Registrar will obtain a transcript of the sentencing judge's remarks
	TRANSCRIPT
	DATE
	TIME

If ADDITIONAL transcript is sought, please specify below or, if preferred, within the grounds of appeal, giving specific dates and times of the part of the proceedings for which the transcript is requested. **Failure to give such details could result in unnecessary delay and prejudice the applicant.**

Please note that transcript obtained by means other than through the Registrar may result in the cost of the transcript not being allowed upon taxation in cases subject to a Representation Order.

REMINDER		* delete as appropriate
	Have You:	
	a) included reasons in support of any application for extension of time?	Yes/No*
	b) included Form B if applying for bail?	Yes/No*
	c) included Form W and witness statement (conviction cases only) if seeking to call a witness	Yes/No*
	d) (i) attached your grounds of appeal?	Yes/No*
	(ii) are the grounds of appeal signed by counsel/solicitor?	Yes/No*
	(iii) does counsel wish to perfect grounds?	Yes/No*
	e) (i) attached your request for additional transcript?	Yes/No*
	(ii) specified the dates and times of transcript requested?	Yes/No*

SIGNATURE	<u>APPELLANTS IN CUSTODY ONLY</u>
	I understand that if the single judge and/or the Court is of the opinion that the application for leave to appeal is plainly without merit, an order may be made that time spent in custody as an appellant shall not count towards sentence.
	<u>ALL APPELLANTS</u>
	I understand that if the court dismisses my appeal or application it may make an order for payment of costs against me, including the cost of any transcript obtained.
	[This form should be signed by the appellant but may be signed by his/her legal representative provided the WARNINGS set out above have been explained to him/her. NB if signed by a legal representative, the appellant will be given the opportunity to request a copy of the form.]
	Signature Date
	(of appellant or legal representative signing on <i>behalf</i> of the appellant)

NOW PLEASE SEND THIS FORM TO THE CROWN COURT WHERE TRIED OR SENTENCED

FOR PRISON USE

This notice was handed to me by appellant today.

Signed _____
Prison Officer

Date _____

Appellant's Index No _____

EDR _____

PED _____

FOR CROWN COURT USE

Immediately upon receipt of Form NG the Crown Court must complete and send tear-off slips 1-3 overleaf as applicable. These tear-off slips **must** be used so that the correct notifications are sent out.

Slip 1

(Acknowledgement)

sent to

Slip 2

(Notification / statements)

Prosecutor

Date sent

Slip 3

(Monetary penalty/order)

Mags. Ct

Form NG received in Crown Court:

Signed _____ Date _____

Sent to the Criminal Appeal Office

Signed _____ Date _____

Name and full address / DX number of Prosecuting Authority (e.g. CPS, Customs & Excise, H & S Executive)

**Slip 3 Notification to Magistrates of appeal in cases involving monetary penalty or order
(to be sent in all cases involving monetary penalty or order)**

To: Clerk to the Justices
Magistrates

From: Court Manager
Crown Court at

Dear Sir / Madam,

Date

R -v-

Crown Court Ref:

I write to inform you that in this case, in which you are responsible for enforcing the monetary penalty or order, the above-named has lodged notice of appeal to the Court of Appeal Criminal Division.

Yours faithfully,

**Slip 2 Notification to Prosecuting Authority of receipt of Application for leave to appeal to
the Court of Appeal (to be sent in all cases)**

To: From: Crown Court at

Date:

Dear Sir / Madam,

R -v-

Crown Court Ref:

Please note that an application for leave to appeal has been received in the above matter. All exhibits must be retained in safe custody pending the determination of the appeal. If the matter involves a committal for sentence, please forward forthwith witness statements / statements of facts, enclosing this slip for reference purposes to:

The Registrar, Criminal Appeal Office
Royal Courts of Justice
Strand, London WC2A 2LL

Telephone 020 7947 6011/6014
DX: RCJ 44450 STRAND
FAX: 020 7947 6900

Yours faithfully

(on behalf of the Registrar)

Slip 1 Acknowledgement of Form NG (to be sent in all cases to sender of Form NG)

From: Court Manager
Crown Court at
Crown Court Ref:
Date:

To

Your Ref:

R -v-

Dear Sir / Madam,

I acknowledge receipt of form(s) NG (B* W*) which have been forwarded to the Registrar of Criminal Appeals for attention. All further communications should be addressed to:

The Registrar, Criminal Appeal Office
Royal Courts of Justice
Strand, London WC2A 2LL

(Tel: 020 7947 6011/6014: DX: RCJ 44450 Strand: Fax: 020 7947 6900)

Yours faithfully,

Notes for guidance on the completion of this form

1. Everyone who is convicted or sentenced in the Crown Court in circumstances where the appeal is to the Court of Appeal Criminal Division is entitled to have advice or assistance on appeal. Provision for this is included in a trial Representation Order.
2. Solicitors and Counsel are expected to be familiar with "A Guide to Proceedings in the Court of Appeal Criminal Division" copies of which are available from any Crown Court Centre. The Guide is also available on the Court Service Internet site (www.courtservice.gov.uk), as are all necessary forms.
3. Separate application forms should be submitted for conviction or sentences that do not arise in the same proceedings.
4. This notice will be treated as a notice of appeal where leave to appeal is not required.
5. **In the initial stages the Court is reliant upon the information that you provide. It is in your own interests to assist by providing accurate and complete information in the form. Please indicate if you or your legal advisers have already been in correspondence with this office.**

6. Please give details of the appellant's full name; if in custody give the prison index number and address where detained. If not in custody give details of address at which residing and which correspondence should be sent.

7. Applications

This form should be sent to the Crown Court within 28 days of the conviction, sentence, verdict or finding appealed against. If the appellant is in custody the form should be handed to the prison authority (or other person having custody) for forwarding to the Crown Court, and the date of handing in should be recorded on the form.

- **Extension of time** The period of 28 days cannot be extended except by leave of the Court of Appeal Criminal Division and detailed reasons for the delay must be attached to this form. Please Note: the time for applying for leave to appeal against conviction runs from the **date of conviction** even where sentence is passed on a later date.
 - **Leave to appeal against conviction.**
 - **Leave to appeal against sentence.**
- } See Note 8 below
- **Representation Order** A Representation Order made in the Crown Court does not provide for oral argument before the Court of Appeal. If a Representation Order is sought for this purpose it should be applied for.
 - **Bail** Where bail is applied for Form B (CAO) must also be completed. If Form B (CAO) accompanies Form NG it should be submitted to the Crown Court but if submitted later should be sent to:- *The Registrar, Criminal Appeal Office, Royal Courts of Justice, Strand, London WC2A 2LL.*
 - **Leave to call a witness (conviction appellants only)** Where leave is sought to call a witness in support of an application for leave to appeal against **conviction** an application should be made on **Form W (CAO)**. A separate form is required for each witness. A signed statement from the witness should be appended to Form W (CAO) and, if it is said that the witness was not available at trial, an affidavit, sworn by the appellant's solicitor, should also be lodged, describing the circumstances in which the witness came forward and the circumstances in which the statement was made. If Form W (CAO) accompanies Form NG it should be sent to the Crown Court but if submitted later should be sent to:- *The Registrar* at the address given above.

8. **Grounds of appeal** If a positive advice on appeal is given it should always be incorporated into the same document as the grounds of appeal, as a single document. Grounds must be settled with sufficient detail to enable matters relied upon to be clearly identified. Wording such as "the conviction is unsafe" or "the sentence is in all the circumstances too severe" will be ineffective as grounds unless accompanied by detailed reasons. Ineffective applications will be rejected, thus causing delay and possibly making it necessary for an extension of time to be sought (see note 7 above). Unsigned grounds will be returned, again with resulting delay to the application.

An appeal against **conviction** is not another trial which looks again at the facts of the case in the way the jury did to decide if the appellant is guilty or innocent. The Court of Appeal will only be concerned with whether the conviction is unsafe and will consider issues such as: whether the trial as a whole was fair; whether the trial Judge made the correct legal rulings during the course of the trial (for example, in relation to disclosure of evidence, the admissibility of evidence or a submission of no case to answer); whether the trial Judge fairly summed up the case to the jury with the appropriate legal directions; “fresh evidence” that was not presented at trial.

An appeal against **sentence** will only succeed if the sentence was “**manifestly excessive**” (i.e. the sentence was too high given the facts of the offence or in light of any available personal mitigation) and/or “**wrong in principle**” (i.e. the sentencing Judge made some mistake when imposing the sentence. For example, there was no power to pass the particular sentence imposed or the sentence was passed on some incorrect factual or legal basis). Grounds should therefore explain why the sentence was “manifestly excessive” and/or “wrong in principle”.

9. Where a certificate that the case is fit for appeal is granted by the trial judge this should be stated (and see generally paragraph 17 of “A Guide to proceedings in the Court of Appeal Criminal Division”).
10. Where an appellant has been **granted** leave to appeal s/he is entitled to be present on the hearing of the appeal only. If the appellant is in custody and wishes to be present at any hearing for which leave to be present is required s/he must apply for leave in writing.