

Appeals against Conviction

Section 18 of the *Crimes (Appeal and Review) Act 2001 (NSW)*

1. This Practice Note revises District Court Criminal Practice Note 21, which commenced on 24 August 2021.

Commencement

2. This Practice Note commences on 18 April 2022.

Definitions

3. In this Practice Note:

“appellant” includes an Australian legal practitioner representing an appellant;

“Court” means the District Court of NSW;

“Readiness Hearing” means a hearing to ascertain the readiness of the parties to proceed on the allocated hearing date.

Standard Directions

4. Unless the Court otherwise directs, the standard directions that are to apply to appeals against conviction from the Local Court of NSW (“Local Court”) to the Court are:
 - a. The appellant is to file and serve an **outline** of written submissions in support of the appeal with references to citations of authorities and the transcript pages to be relied upon no later than two weeks prior to the hearing date. The **outline** of written submissions must clearly identify the issues in the appeal.
 - b. The Crown is to file and serve an **outline** of written submissions in reply and the Crown Appeal summary no later than one week prior to the hearing date.

- c. The **outlines** of written submissions referred to in paragraphs 3(a) and 3(b) above should not normally exceed more than 10 pages in length.
5. The appeal may be listed for a Readiness Hearing at the discretion of the Court at least seven days prior to the hearing date.
6. Directions other than these Standard Directions may be made at the discretion of the Court when the appellant is not legally represented or where otherwise required.

Fresh Evidence

7. An application for leave to give fresh evidence, pursuant to s 18 of the *Crimes (Appeal and Review) Act 2001* (NSW), must be made by Notice of Motion with supporting affidavit with a hearing date to be fixed by the Court.



The Honourable Justice D M Price AO
Chief Judge of the District Court
8 April 2022