

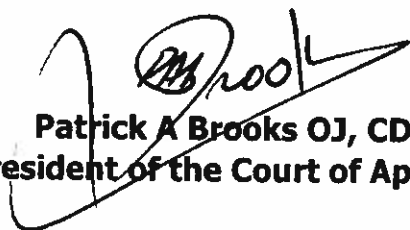
COURT OF APPEAL

PRACTICE NOTE NO 2 of 2021

1. This Practice Note, which is issued with the concurrence of the Judges of the Court of Appeal, applies to:
 - a. notices of appeal;
 - b. notices of application for leave to appeal;
 - c. requests for the court's opinion on points of law or mixed law and fact; and
 - d. notices of application for extensions of time within which to file notices of appeal and notices of applications for leave to appeal,that the prosecution in criminal cases may wish to file, pursuant to the Judicature (Appellate Jurisdiction) (Amendment) Act 2021 or the Judicature (Parish Courts) (Amendment) Act 2021, that were promulgated into law in November 2021.
2. The court recognises that the prosecution may wish to utilise the provisions of the recently passed legislation, mentioned above, before the appropriate rules of court are Gazetted.
3. In the interim and in an effort to avoid uncertainty and to ensure a uniform approach to the filing and treatment of such notices as filed by the prosecution, the court shall designate such notices differently from other appeals and applications in criminal cases.
4. Accordingly, the court requires that the prosecution uses the forms set out below (copies of which are attached), as is appropriate for the particular circumstances:
 - a. Prosecutor's Notice of Appeal
 - b. Prosecutor's Notice of Application for Leave to Appeal
 - c. Prosecutor's Notice of Application for Extension of Time
 - d. Prosecutor's Reference
5. The appropriate form shall be filed at the Court of Appeal Registry, regardless of the court from which the case originated. The form shall have attached to it, where required, the consent of the Director of Public Prosecutions in respect of the appeal or application being filed.
6. This Practice Note shall take effect immediately.

7. The court intends to keep the matter under close review and to make such adjustments as become necessary as experience dictates.
8. The court will also make adjustments as are necessary when the Rules Committee promulgates the rules and forms that it deems appropriate.

Dated the 15th December 2021



Patrick A Brooks OJ, CD
President of the Court of Appeal



PROSECUTOR'S NOTICE OF APPEAL

IN THE COURT OF APPEAL
PROSECUTOR'S CRIMINAL APPEAL NO

BETWEEN **REGINA** **APPELLANT**

AND **C.D.** **RESPONDENT**

TO: THE REGISTRAR OF THE COURT OF APPEAL

TAKE NOTICE that pursuant to the [*Judicature (Appellate Jurisdiction) (Amendment) Act, 2021/the Judicature (Parish Courts) (Amendment) Act, 2021, the prosecutor in the above-captioned case in the Court below [*having obtained the consent of the Director of Public Prosecutions – a copy of which is attached] hereby appeals to the Court of Appeal against the decision of The Honourable Mr/Mrs/Miss Justice EF, _____] [Her Honour Mr/Mrs/Miss GH, Judge of the Parish Court for the parish of _____] on the grounds set out in this notice.

The Respondent named above was acquitted/convicted at the Circuit Court/Parish Court held at _____

Place of trial

in the parish of _____
Parish

Offence of which acquitted/convicted _____
e.g. Murder, Larceny, Forgery

Sentence (if applicable) _____

Date when acquitted/convicted _____

Date when sentence passed _____
(Set out the actual dates upon which the Respondent was convicted and sentenced)

Name of Prison _____ or, if Respondent not in custody
set out full address

1. The details of the decision/finding of law/sentence appealed are:-

2. The following are challenged:
 - (a) The decision of the Judge of the Supreme Court/Parish Court on a point of law, which decision resulted in an acquittal, the quashing or staying of an indictment, the withdrawal of a case, the upholding of a no-case submission, or any other termination of the case without a verdict of conviction;

 - (b) The sentence imposed by the Judge of the Supreme Court/Parish Court on the basis that the judge did not have the power to impose the sentence.

3. The Grounds of Appeal:
 - (a)

 - (b)

 - (c)

4. The order sought:

5. Any specific power which the court is asked to exercise:

Dated this day of

20

Signed
[Attorneys-at-Law for the Appellant]

TO: **C.D.**
Respondent
c/o Attorney-at-law

FILED by (xx of yy) Attorneys-at-Law for the Appellant, whose address for service is that of the said Attorneys-at-Law

* Delete as appropriate



PROSECUTOR'S NOTICE OF APPLICATION FOR LEAVE TO APPEAL

IN THE COURT OF APPEAL

PROSECUTOR'S CRIMINAL APPLICATION NO

BETWEEN

REGINA

APPLICANT

AND

C.D.

RESPONDENT

TO: THE REGISTRAR OF THE COURT OF APPEAL

TAKE NOTICE that pursuant to [the Judicature (Appellate Jurisdiction) (Amendment) Act, 2021/the Judicature (Parish Courts) (Amendment) Act, 2021, the prosecutor in the above-captioned case in the court below [*having obtained the consent of the Director of Public Prosecutions – a copy of which is attached) hereby applies for leave to appeal to the Court of Appeal, against the decision of, or sentence imposed by [the Honourable Mr/Mrs/Miss Justice EF] [Her Honour Mr/Mrs/Miss GH, Judge of the Parish Court for the parish of _____] on the grounds set out in this notice.

The Respondent named above was acquitted/convicted at the Circuit Court/Parish

Court held at _____
Place of trial

in the parish of _____
Parish

Offence of which acquitted/convicted _____
e.g. Murder, Larceny, Forgery

Sentence (if applicable) _____

Date when acquitted/convicted _____



PROSECUTOR'S NOTICE OF APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO APPEAL

IN THE COURT OF APPEAL

BETWEEN

REGINA

APPLICANT

AND

C.D.

RESPONDENT

TO: THE REGISTRAR OF THE COURT OF APPEAL

TAKE NOTICE that pursuant to the [*Judicature (Appellate Jurisdiction) (Amendment) Act, 2021/the Judicature (Parish Courts) (Amendment) Act, 2021, the prosecutor in the above-captioned case in the Court below [*having obtained the consent of the Director of Public Prosecutions – a copy of which is attached] hereby applies to the Court of Appeal for an extension of time within which to [*appeal/apply for permission to appeal], against the decision of or sentence imposed by The Honourable Mr/Mrs/Miss Justice EF,] [Her Honour Mr/Mrs/Miss GH, Judge of the Parish Court for the parish of _____] on the following grounds:-

- (a)
- (b)
- (c)

(Here set out clearly and concisely the reasons for the delay in giving such notice, and the grounds on which you may submit the Court should extend the time. The Notice of Appeal/Application for Permission to Appeal must be completed and sent with this notice to the registrar.)

(Signed) _____
Applicant

Dated this ____ day of _____ 20__

TO: **C.D.**
Respondent
c/o Attorney-at-law

FILED by (xx of yy) Attorneys-at-Law for the Appellant, whose address for service is that of the said Attorneys-at-Law.

* Delete as appropriate



PROSECUTOR'S REFERENCE

IN THE COURT OF APPEAL

PROSECUTOR'S CRIMINAL APPEAL NO

BETWEEN

REGINA

APPLICANT

AND

C.D.

RESPONDENT

TO: THE REGISTRAR OF THE COURT OF APPEAL

TAKE NOTICE that pursuant to [the Judicature (Appellate Jurisdiction) (Amendment) Act, 2021/the Judicature (Parish Courts) (Amendment) Act, 2021, the prosecutor in the above-captioned case (*having obtained the consent of the Director of Public Prosecutions – a copy of which is attached) hereby requests the opinion of the Court of Appeal on the point(s) set out in this notice.

The respondent named above was tried on [*indictment/ information] before [*the Honourable Mr/Mrs/Miss Justice EF, Judge of the Supreme Court of Judicature of Jamaica_____] [Her Honour Mr/Mrs/Miss GH, Judge of the Parish Court for the parish of _____ by virtue of a special statutory summary jurisdiction] at

Place of trial

in the parish of _____.

Parish

The respondent was charged with the offence of

_____ e.g. Murder, Larceny, Forgery

and on (Date _____) [*was discharged/acquitted/the proceedings were stayed/a point of law or mixed law and fact arose].

