#### **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;
  - 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 & 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 REGIST	TRAR OF THE COURT OF APP	PEAL
(Amendment) Act, 2 the prosecutor in the the consent of the I hereby appeals to the Mr/Mrs/Miss Justi	nat pursuant to the [*Judica 2021/the Judicature (Parish Cone above-captioned case in the Coirector of Public Prosecutions the Court of Appeal against the Court of Iter Honour Market parish of	ourts) (Amendment) Act, 2021, Court below [*having obtained – a copy of which is attached] e decision of The Honourable r/Mrs/Miss GH, Judge of the
	named above was acquitted the held at	
	Place of t	
in the parish of	Parish	
Offence of which acc	quitted/convictede.	g. Murder, Larceny, Forgery
Sentence (if applica	ble)	<u> </u>
Date when acquitted	d/convicted	
Date when sentence (Set out the actual dates	e passed s upon which the Respondent was co	nvicted and sentenced)

Name	of Prison	or, if Respondent not in custody
set ou	t full address	
1. ′	The details of the dec	cision/finding of law/sentence appealed are:-
2. 7	The following are cha	illenged:
(	point of law, whic staying of an indic	the Judge of the Supreme Court/Parish Court on a h decision resulted in an acquittal, the quashing or extment, the withdrawal of a case, the upholding of a con, or any other termination of the case without a con;
(1		sed by the Judge of the Supreme Court/Parish Court the judge did not have the power to impose the
3. Т	he Grounds of Appea	al:
(8	a)	
(t	p)	
(0	e)	
4. T	he 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

DEIWEEN	REGINA	APPLICANT
AND	C.D.	RESPONDENT
TO: THE REGISTRAR OF	THE COURT OF APPEAL	
2021/the Judicature (Parish captioned case in the cour Prosecutions – a copy of wh Appeal, against the decision	n Courts) (Amendment) Act, 20 t below [*having obtained the nich is attached) hereby applies n of, or sentence imposed by [the is GH, Judge of the Parish Court	te Jurisdiction) (Amendment) Act 21, the prosecutor in the above consent of the Director of Public for leave to appeal to the Court of the Honourable Mr/Mrs/Miss Justice for the parish of
The Respondent named above	ve was acquitted/convicted at the	e Circuit Court/Parish
Court held at		
	Place of trial	<del></del>
in the parish of	Parish	<u> </u>
	ransn	
Offence of which acquitted/co	onvicted	
		der, Larceny, Forgery
Sentence (if applicable)		
	ed	

Date (Set or	when sentence passed
	at the actual dates upon which the Respondent was convicted and sentenced)
	of Prison or, if Respondent not in custody set out
1.	The <b>details of the decision</b> from which leave to appeal is sought are:
2.	The <b>Ground</b> on which the Applicant is seeking the following order(s) is:
	(a) that there has been an Administration of Justice offence; or
	(b) that the sentence imposed by the Court below is manifestly inadequate or unduly lenient
3.	Order(s) sought:
	Dated this day of 20
	Signed  [Attorneys-at-Law for the Applicant]
То:	C.D. Respondent c/o Attorney-at-Law

[N.B. This Notice of Application must be served as quickly as possible on the Respondent to the application - ]

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

\* Delete as appropriate



# 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 REG	SISTRAR OF THE COURT OF APPEAL	
Act, 2021/the Jabove-captioned of Public Prosed Appeal for an appeal], against Justice EF,] [He (a) (b) (c)	that pursuant to the [*Judicature (Audicature (Parish Courts) (Amendme dicase in the Court below [*having coutions — a copy of which is attached extension of time within which to the decision of or sentence imposed the Honour Mr/Mrs/Miss GH, Judge of] on the following grounds:-	obtained the consent of the Director ed] hereby applies to the Court of [*appeal/apply for permission to ed by The Honourable Mr/Mrs/Miss of the Parish Court for the parish of
wnich you may sub	ly and concisely the reasons for the delay i mit the Court should extend the time. The N completed and sent with this notice to the re	Notice of Appeal/Application for Permission
	(Signed)Applicant	
	Dated this day of	20
TO: CD		

c/o Attorney-at-law

 $\textbf{FILED} \ \ \text{by (xx of yy) Attorneys-at-Law for the Appellant, whose address for service is that of the said Attorneys-at-Law. } \\$ 

Respondent

<sup>\*</sup> Delete as appropriate



#### PROSECUTOR'S REFERENCE

IN	THE	COURT	OF	APPEA	L	

PROSECUTOR'S CRIMINAL APPEAL NO						
BETWEEN	RI	EGINA		A	PPLICANT	
AND	AND C.D.			RESPONDENT		
TO: THE REGISTRAR	OF THE COL	JRT OF APP	EAL			
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						
in the applied of	Place of tria			_		
in the parish of	Pari			<del></del> '		
The respondent	was	charged	with	the	offence	of
e.g. Murder, Larceny, Forger	/					
and on (Date			quitted/the	proceeding	gs were staye	d/a
point of law or mixed law	v and fact are	ose].				

1. The details of the relevant decision/finding of law in the court below, are:				
2. The following point(s) [is/are] being referred:				
(a) point(s) of law;				
(b) point(s) of mixed law and fact.				
Dated this day of  Signed	20			
[Attorneys-at-Law for the Appellant]				
TO: C.D.  Respondent c/o Attorney-at-law				

 $\textbf{FILED} \text{ by } (\textbf{xx} \text{ of yy}) \text{ Attorneys-at-Law for the Appellant, whose address for service is that of the said } \\ \textbf{Attorneys-at-Law}$ 

<sup>\*</sup> Delete as appropriate