

IN THE SUPREME COURT OF VICTORIA 20 No.
AT

The Queen

v.

A.B.

**NOTICE OF APPLICATION FOR LEAVE TO APPEAL AGAINST FINDING
OF UNFITNESS TO STAND TRIAL**

To the Registrar of Criminal Appeals:

I, *[full name]*, have been found unfit to stand trial in relation to the offence of *[description of offence]* and I am *a prisoner at *[place]*/*living at *[place of residence]*.

I WISH TO APPEAL to the Court of Appeal under section 14A of the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997** against the finding that I am unfit to stand trial (particulars of which are set out below).

TAKE NOTICE that I apply to the Court of Appeal for leave to appeal against the finding that I am unfit to stand trial on the ground(s): *[state briefly the grounds upon which you wish to appeal against the finding]*.

Date:

[Signed by Applicant or legal practitioner on behalf of Applicant]

**[If signed by legal practitioner]* The name and address for service are as follows: *[insert details]*

PARTICULARS

1. Applicant's name:
2. Offence to which the finding against which it is sought to appeal relates:
3. Criminal proceeding held at: *[place and court]*
4. Trial Judge:
5. Date of finding:
6. Name and address of legal practitioner who represented applicant at trial:
7. Name of counsel (if any) who represented applicant at trial:
8. State whether you wish to personally attend the hearing of this proceeding:
9. State whether you wish to appear by audio visual link at the hearing of this proceeding.

IMPORTANT NOTES:

1. Unless the Court directs otherwise, you may, if you wish, attend in Court at the hearing of your application, or appear by audio visual link if that is practicable. If you wish to do either of these things, you should complete paragraphs 8 and 9 above accordingly or otherwise notify the Registrar in writing of your wish.
2. If you wish the Court, on the hearing of your application, to consider your case in writing without the presentation of oral argument, you should inform the Registrar accordingly.
3. Your attention is drawn to the procedure that follows the filing of your notice of application for leave to appeal.

Unless otherwise directed by the Registrar or the Court—

- (a) within two months after filing the notice of application for leave to appeal, you must file with the Registrar and serve on the respondent a full statement of the grounds upon which you intend to rely on appeal, if leave to appeal is given. This need not follow the grounds stated in your notice of application for leave to appeal, but in the new document the grounds must be stated fully, precisely and in detail; and
- (b) within one month after filing the full statement of grounds, you must file with the Registrar and serve on the respondent an outline of the submissions to be relied upon on the hearing of your application.

Failure to comply with these requirements may result in your application standing dismissed. Any extension of time (if needed) should be sought from the Registrar or the Court of Appeal under the Act.

4. The Court may treat the hearing of this application as the hearing of the appeal.
5. An application for leave to appeal may be abandoned **at any time before the day fixed for the hearing of the application** by filing with the Registrar a notice of abandonment in the appropriate form.

* Delete if not applicable