

65. Appeal, how to commence

- (1) To —
 - (a) commence an appeal within time; or
 - (b) apply for an extension of time within which to commence an appeal,the appellant must lodge —
 - (c) a Form 20 (Appeal notice) that sets out the grounds for the appeal in accordance with subrule (2);
 - (d) any document required by subrule (3) or (4);
 - (e) a copy of the prosecution notice in respect of which the decision being appealed was made;
 - (f) a copy of the primary court's transcript; and
 - (g) a copy of every other record that the Court will need to decide the appeal.
- (2) The grounds of appeal must not merely allege —
 - (a) that the primary court erred in fact or in law;
 - (b) that the primary court's decision is against the evidence or the weight of evidence or is unreasonable and cannot be supported having regard to the evidence;
 - (c) that the primary court's decision is unsafe or unsatisfactory; or
 - (d) in the case of an appeal against a sentence, that the sentence is excessive or inadequate.
- (3) If the Form 20 says that an extension of time within which to commence the appeal is needed, the form must be lodged with an affidavit by the applicant or the applicant's lawyer or both explaining why the appeal was not commenced within time.
- (4) A Form 20 may be lodged together with an application, made in accordance with rule 68, for an interim order.
- (5) For the purposes of the *Criminal Appeals Act 2004* section 17, a Form 20 lodged in accordance with this rule is to be taken to be an application for leave to appeal.
- (6) Any document lodged under this rule must be served on the respondent personally but, if the appellant is in custody, it may be served by post on the respondent.
- (7) As soon as practicable after serving the respondent the appellant must lodge a Form 21 (Service certificate).
- (8) This rule does not affect the operation of the *Criminal Appeals Act 2004* section 17.