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APPEAL

(A) What is an Appeal?

(B) The Appeal Procedure

(C) Bail pending Appeal

CHAPTER 7

APPEAL

(A) What is an Appeal?

An appeal is filed by a dissatisfied party to have an appellate Court reverse the decision of the lower Court. An appeal may be filed by you or the Prosecution. In cases where both parties disagree with the decision of the Court, both parties may file an appeal.

(1) What is appealable?

You may only appeal against a decision made by the Judge. This means, if you had been convicted as a result of pleading guilty, you may not appeal against your conviction. You may, if necessary, appeal against your sentence. However, if you were convicted and sentenced after a trial, you may then decide to appeal either against the conviction, sentence, or both.

(2) Can I file an appeal if I want to retract my plea of guilt after I have been sentenced?

No. You should apply for a Criminal Revision at the High Court to set aside the conviction.

If you plead guilty to an offence, you may only appeal against your sentence. If you are convicted after a trial, you may appeal against conviction or sentence or both.

(B) The Appeal Procedure

(1) How do I file my appeal?

You must complete and submit one copy of the Notice of Appeal to the Central Registry at level 2 of the State Courts Towers. A fee⁷ is payable at the time of submission. A sample Notice of Appeal is found at the back of the Guide.

⁷ \$5 for the accused charged before 2 January 2011, \$50 for an accused charged after 2 January 2011 (Fees stated herein accurate as of 2017).

Your Notice of Appeal must contain an address to which any notices or documents connected with the appeal may be served. A copy of your NRIC and your contact number must also be provided. If you are represented by a lawyer, you should include your lawyer's name, reference number, address, telephone and fax number in the Notice of Appeal. If you are filing on behalf of a company, please attach a valid letter of authorisation from your company. You will need to sign off on the Notice of Appeal on behalf of your company.

(2) Do I have a deadline for the appeal?

You must file the appeal within **14 calendar days**⁸ from the time the sentence or order was made (including weekends, but excluding the day on which the sentence was made).

If you have breached the deadline, you would have to file a Criminal Motion to the High Court to apply for an extension of time to file your appeal. If the High Court Judge grants you an extension of time, you may then proceed to file the Notice of Appeal at the State Courts within the extended period granted by the High Court Judge.

You should file your Notice of Appeal within 14 calendar days (excluding the day of sentencing). Otherwise, you must file for an extension of time by the High Court.

(3) What happens after my Notice of Appeal is filed?

After the Notice of Appeal is filed, the Court will prepare the Grounds of Decision for the case. The Grounds of Decision contains the Judge's reasons for his or her decision.

When the Grounds of Decision is ready, a copy of it will be delivered to you or your lawyer via courier service. After you have received the Grounds of Decision and Notes of Evidence, consider carefully whether you would still wish to pursue the appeal. You may wish to seek legal advice on the merits of your appeal before you decide to pursue it.

⁸ 10 calendar days if the accused was charged before 2 January 2011.

(4) I have reviewed the Grounds of Decision and I still wish to continue with the Appeal. What do I do next?

If you still wish to pursue your appeal, you must file a Petition of Appeal with the Central Registry (located at Level 2 of the State Courts Towers). Your Petition must be filed within **14 calendar days**⁹ of the service of the Grounds of Decision and Notes of Evidence. If your petition is not filed by the deadline, the appeal will be taken as withdrawn and the trial Court shall enforce its sentence or order.

If you have filed your Petition, the High Court will inform you of the hearing dates of your appeal in due course.

You must file your Petition of Appeal within 14 calendar days of obtaining the Grounds of Decision and Notes of Evidence. Otherwise, the appeal will be considered withdrawn.

(C) Bail pending Appeal

If you are sentenced to serve a jail term, you may make an application to the Judge for you to be released on bail pending appeal. This is a request to allow you to postpone the commencement of your sentence until your appeal has been heard in the High Court. The Court will hear from the Prosecutor before deciding whether to grant your application.

It is likely that even if there is no objection to your application, the Prosecution will apply for your bail to be increased. If bail is not furnished, the sentence will commence immediately.

If, however, you are successfully released on bail pending appeal, you must abide by the terms and conditions of the bail. This usually includes a condition for you to surrender to the Court to serve your sentence if you decide not to pursue the appeal. If you do pursue your appeal, you will be required to attend the hearing of your appeal.

⁹ 10 calendar days if the accused was charged before 2 January 2011.

If you fail to surrender, a Warrant of Arrest will be issued against you. You will be arrested and produced in Court. Thereafter, you will be handed over to the Prisons Department for the sentence to be served.

