B45.

Information Sheet to be exhibited in an Affidavit in support of an Application for Permission under Section 394H of the Criminal Procedure Code 2010

Before an applicant can make an application to review an earlier decision of an appellate court ("review application"), the applicant must first apply for and obtain the permission of the appellate court to make the review application.

To apply for permission to make a review application, the applicant must file a supporting affidavit together with the applicant's written submissions, as required under Section 394H(3) of the Criminal Procedure Code 2010 read with Rules 11(2)(a) and (b) of the Criminal Procedure Rules 2018. Please attach this information sheet as an exhibit in the supporting affidavit.

A   Please set out the background relating to the earlier decision of the appellate court.

1   Was the appellate court the Court of Appeal, or the General Division?

2   When was the decision made?

3   For each charge, did the appellate court convict, or uphold the conviction of, the accused? If the appellate court convicted, or upheld the conviction of, the accused on a particular charge, what was the accused convicted of and finally sentenced to?

4   Is the applicant seeking permission to review the decision on conviction, the decision on sentence, or both?

B Please identify the material that the applicant wishes to rely on in the application to show that there was a miscarriage of justice in the earlier court decision.

1   Is the material new evidence? If so, set out the new evidence.

2   Is the material a new legal argument? If so, set out the new legal argument.

C   If the material is new evidence:

1   Has the evidence been canvassed at any stage of the proceedings in the criminal matter in respect of which the earlier court decision was made?

2   If the answer to question C1 is "No", why was the evidence not canvassed in the earlier court proceedings?

3   What efforts did the applicant make to try to obtain the evidence for the earlier court proceedings?

4   Why does the applicant say that the evidence is compelling, meaning that it is reliable, substantial, powerfully probative and capable of showing almost conclusively that there has been a miscarriage of justice in the earlier court decision?

D   If the material is new legal argument:

1   Has the legal argument been canvassed at any stage of the proceedings in the criminal matter in respect of which the earlier court decision was made?

2   If the answer to question D1 is "No", why was the legal argument not made in the earlier court decision?

3   Why does the applicant say that the legal argument is compelling, meaning that it is reliable, substantial, powerfully probative and capable of showing almost conclusively that there has been a miscarriage of justice in the earlier court decision?

4   A change in the law must have arisen from any decision made by a court after the conclusion of all proceedings in respect of which the earlier court decision was made.

Please state the name(s) of the subsequent court decision(s) that the applicant says has/have changed the law. Please also explain what is the change in the law that the new legal argument is based on.

E Why does the applicant say that the new evidence, the new legal argument or both show that there has been a miscarriage of justice?

1   Is it because the earlier court decision is demonstrably wrong? Or

2   Is it because the earlier court decision is tainted by fraud or a breach of the rules of natural justice such that the integrity of the judicial process is compromised?

F   If the applicant says that the earlier court decision is demonstrably wrong:

1   For review of <u>conviction</u> - why does the applicant say that it is apparent, based only on the new evidence and without any further inquiry, that there is a powerful probability that the earlier court decision is wrong?

2   For review of <u>sentence</u> - why does the applicant say that the earlier court decision was based on a fundamental misapprehension of the law or the facts, thereby resulting in a decision that is blatantly wrong on the face of the record?

G**If the applicant says that the earlier court decision is tainted by fraud or a breach of the rules of natural justice, such that the integrity of the judicial process is compromised**:

1 Please elaborate why the earlier court decision is tainted by fraud or a breach of the rules of natural justice, such that the integrity of the judicial process is compromised.

I declare that all the information contained in this information sheet is true and correct to the best of my knowledge and belief.

Applicant or Solicitor for the Applicant