

# Appealing against your conviction or sentence

## Useful words

**Your conviction.** When the court decided you were guilty of the offence.

**Your sentence.** What the court says must happen to you because you are convicted.

**Making an appeal.** This is when you try to change the decision made by the court about your conviction or your sentence.

You can try to change the decision made about both your **conviction** and the **sentence** you were given. This is called an appeal. Your solicitor will be able to advise you if you can appeal and what you can appeal about.

## Main points

- Think carefully before you decide to appeal. Sometimes, if the appeal is not successful, the court may decide that the time you spend in prison to make your appeal will be extra to your sentence.
- Make sure you get advice from your solicitor or barrister before you decide anything.
- You may have to make your appeal quickly. Usually within 28 days of your conviction or sentence. You may be able to appeal after this. Ask your solicitor for advice.
- Ask to speak to someone in prison called a legal services officer. They can help explain how to appeal.
- If you make an appeal, you will need to get the money to pay for it. You can apply to get some money called Legal Services Funding.

## How to make an appeal

1. Speak to your solicitor or barrister. If you did not get the chance to speak to them at court, ask the governor if you can see them on a visit.

Your solicitor or barrister will

- tell you what they think your chances are of the appeal working
- fill in the forms if you decide to appeal.

2. Ask to speak to the legal services officer. They can explain how to make an appeal.

3. The legal services officer can tell you which forms to fill in and where to send them to. This depends on whether you were tried in a Crown Court or a Magistrates' Court.

4. If your appeal can go ahead, apply to get the money to pay for the appeal. The money you have to apply for is called **Legal Services Funding**.

The Legal Services Funding (money) that paid for your trial only allows you to get advice about how to make an appeal, not to actually make the appeal.

### What to do if...

#### **You want to change your solicitor or barrister.**

- Speak to the solicitor or barrister you have now and tell them why you want to change. They will ask the Judge if it is ok for you to change.
- Or you can pay to see a solicitor or legal advisor that you choose.

#### **You want to be released on bail while you are waiting for your appeal to happen?**

- You need to fill in a form called **Form B** and send it to the Court of Appeal.

## **If your appeal is turned down (this means not successful)**

- You can ask a group of people called the **Criminal Cases Review Commission** to look at your case.
- They can look at cases where they think a mistake has been made. They can send the case back to the Court of Appeal.
- You will need to show them **new information or evidence** that was not talked about at the trial or at the appeal.
- You may be able to get help from a solicitor.
- You may be able to get Legal Services Funding to help you. You will need to fill in forms called **CDS1** and **CDS2** to ask for this money.
- There is more information in **Prison Service Order 4400**, chapter 3. You can find a copy in the prison library.