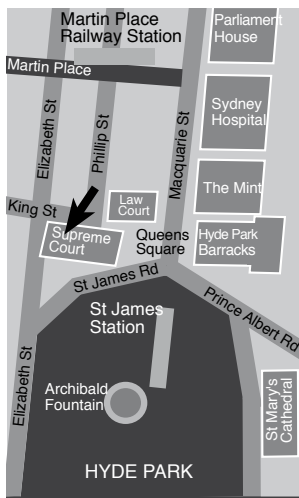


CAN I GET BAIL IF I HAVE APPEALED?

If you have been convicted or sentenced in the Local Court, you must lodge your appeal to the District Court before applying to the Supreme Court for bail.

You are able to make a bail application in the Local Court when you lodge your appeal. If you have appealed to the Court of Criminal Appeal against your conviction and/or your sentence in the District or Supreme Courts, you can apply for bail in the Supreme Court. However, you will have to show that there are special circumstances before the court will hear your bail application. Special circumstances include that you will probably have served most of your sentence before your appeal is heard and/or that you are most likely to win your appeal. For this reason it's best to have the merit of your appeal assessed before applying for Supreme Court bail. You will probably only be granted bail if there is some evidence that you are likely to win your appeal.

GETTING THERE



The Supreme Court is located at Court No 1, King St., Supreme Court Building (near St. James or Martin Place railway stations).

If you have any questions, see the Prisoners Legal Service when they visit the gaol, or ring the Supreme Court Bails Section of Legal Aid NSW on 9219 5001.

LawAccess NSW can also assist you. Ring 1300 888 529.

For copies of this publication, contact the Publications Unit on 9219 5028 or email: publications@legalaid.nsw.gov.au or visit www.legalaid.nsw.gov.au

APPLYING FOR SUPREME COURT BAIL

HELPING YOU UNDERSTAND AND APPLY FOR BAIL



Being on bail means you are not in gaol as you wait for your case to come on. You can get bail from either:

- the police when you are first arrested or
- a magistrate in the Local Court or
- a judge of the District Court or
- a justice of the Supreme Court.

If bail is refused or granted with certain conditions that you can't meet (by either a magistrate or a District Court judge), you can then apply to the Supreme Court for bail. Before you apply to the Supreme Court for bail there are some things you should know.

HOW MANY TIMES CAN I APPLY FOR BAIL?

There are new restrictions on the number of times you can apply for bail. Under the *Bail Act* you are allowed only one application for bail unless you can show new facts or circumstances have arisen since the previous application. However, you may still be able to apply for bail in the Supreme Court even if you have already been refused in the Local Court. You may also be able to apply for a review of a previous bail decision. You should get legal advice about how these changes affect you.

If you are not fully prepared at the time your bail application is listed in the Supreme Court, it is wise to withdraw your application and re-apply when you are ready.

WHO SHOULD I BRING TO COURT?

The judge will want to hear evidence from people who will support your bail application. These could include people you might live with or people who will put up money or property to secure your bail. When you know the date of your bail application, you should contact these people and ask them to be at the court to give evidence.

If you want to do rehabilitation while you are on bail, contact the rehabilitation centre before you apply for bail, because they will need to assess you.

When your bail application is heard, you will need a letter from the centre saying they will accept you and detailing their program. It helps if somebody from the centre can come to court and give evidence. Without this evidence, it is highly unlikely that you will be granted bail to attend a rehabilitation centre.

WILL I STAY IN CUSTODY EVEN IF BAIL IS GRANTED?

You are not entitled to Supreme Court bail if you will be in custody for a longer period than the period for which you are seeking bail. This may be because:

- your parole has been revoked or
- you are serving a sentence.

WHAT HAPPENS IF I CAN'T MEET MY BAIL CONDITIONS?

If you have been granted bail in the Local or District Courts that you can't meet, you should go back to the court that granted bail and try to have the conditions changed before you apply to the Supreme Court.

The Supreme Court judge could grant you the same bail as you were given before, change your conditions, or refuse your bail altogether. The Crown can ask for tougher conditions.

DO YOU WANT LEGAL AID TO REPRESENT YOU?

Legal aid is not automatically granted. There is a merit test, including the reasonable prospects of success in your bail application. When you put in your bail application to the Supreme Court and you want Legal Aid to represent you, go to question 5 and circle 'A'. Although you may not be granted aid, you will still be eligible to receive advice.

The image shows a document titled 'SAMPLE BAIL APPLICATION FORM'. It contains several questions, with question 5 circled in red and the letter 'A' next to it. The form is partially obscured by a large red watermark that reads 'SAMPLE BAIL APPLICATION FORM'.