



## How you can appeal if you were convicted in a Magistrates' Court.

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Many people convicted before magistrates feel aggrieved at the outcome, and wish to consider an appeal.

A grievance may arise because they think that their case was not prepared correctly, or that the court reached the wrong result.

For many people, a conviction could be a major barrier to employment or travel overseas, even where the offence itself is relatively minor.

The court process is far from perfect. If you have a grievance, it is only right and proper that you consider your options.

### **So, what can I do about it?**

The first thing to remember is that you must act quickly as you only have 21 days from the date of sentencing to appeal your conviction - you should not delay in contacting us.

If more than 21 days have passed, then get in touch as soon as possible as we can advise on 'out of time appeals'.

When you contact us, we will also be able to consider whether other avenues of appeal, namely judicial review and appeal by way of case stated (both to the High Court) are more suitable.

### **I pleaded guilty, can I appeal?**

You might be able to appeal against 'conviction' if you pleaded guilty, but only if your plea is 'equivocal'. In this instance, there are two remedies that we can explore with you.

### **Do I need permission to appeal?**

An appeal against conviction from the magistrates' court to the crown court is what is termed 'an appeal as of right', which means that you do not need any permission to appeal.

In effect, you are entitled to '2 bites of the cherry' although there are some other issues, such as sentence and costs (see below) that you should consider first.

### **Is sentence suspended pending an appeal?**

Your sentence is not suspended pending appeal, although:

We can apply for bail if you are in custody, and

Apply for any driving disqualification to be suspended.

If you have been made subject to a community order, this will need to be complied with, although we will take steps to try and expedite the hearing.

### **What happens at the appeal hearing?**

The crown court, presided over by a Judge and Lay Magistrates (not a jury), hears the case afresh.

We do however have a valuable opportunity to review what might have gone wrong at the first trial and take steps to remedy any failures.

We can also examine what other evidence ought to be gathered on your behalf, or what lines of attack we might usefully deploy against the prosecution case.

### **If I lose the appeal, what happens?**

If that happens, you will be re-sentenced by the crown court, and be liable for prosecution costs. We will discuss the costs implications with you in detail before any decision to appeal is made.

It is important to note that the crown court is not restricted to the same sentence imposed by the magistrates' court, so, you may receive a higher penalty.

This is one of the risks that you need to balance - and one of the reasons why we will at an early stage examine the other avenues of appeal with you (such as 'judicial review' and 'case stated').



**If you have any questions,  
please contact us:**

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