



Appealing to the Court of Appeal against a sentence imposed in the Crown Court.

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Appealing from the Crown Court to the Court of Appeal is a process which can be complicated depending on the individual case, but here we outline the basics.

Early Indications

We ensure that all of our clients are given an early indication of the likely sentence range, depending on whether there is a guilty plea or conviction after trial.

In some cases, we can be relatively precise as to what might be expected, in others, the range can be quite broad, and in rare cases, it can be 'anyone's guess' only because the case is so unique. But generally speaking, mainly where there are sentencing guidelines in place, we are very good at letting clients know the likely outcome.

But, things do not always go to plan. The evidence may change during the case making it a lot more serious than originally thought (and it can go the other way as well), or the Judge may take a different view of the case, or, and this happens a lot, the Judge falls into error and makes a mistake when sentencing.

First Steps

In all cases, following sentence, there should be clear advice on appeal. This will normally be given verbally, but you can have it in writing if you request that. In more complex cases it is usual for the advocate to set out in writing why an appeal is or is not appropriate.

If an appeal is advised, we will discuss this with you and take the next steps. Likewise, if an appeal is not thought to be viable.

What are the grounds for appeal?

There is a margin of appreciation in sentencing, which means that the Court of Appeal will not interfere merely because it would have sentenced differently.

There are 13 distinct grounds for appeal, but they conveniently break down into two broad labels. For the court to intervene the sentence must be either

- Wrong in principle, or

- Manifestly excessive

All appeals are considered initially by a Single Judge, who decides whether the case has merit or not. If that Judge refuses leave to appeal, then we will discuss the next steps with you.

If I am told not to appeal, can I ignore that advice?

Yes, you can. However, this should be discussed with us in advance because there are risks in proceeding with a meritless appeal. A court can impose costs, and also in some cases make a 'loss of time' direction, which means that release from prison will be delayed (14-42 days normally).

How long does an appeal take?

This depends on the complexity of the case and the listing requirements of the court, but appeals are typically heard within six months of being lodged with the court. If a person has received a short prison sentence, there is a procedure to expedite an appeal, and in some cases, they can be heard within a few days.

Can I get bail pending an appeal?

Only in rare cases will the court grant bail pending appeal, the usual remedy it to expedite the hearing in those cases where this approach is merited.

Where is the appeal heard?

Most appeals are held at the Court of Appeal in London, although occasionally the court sits at regional Crown Court centres. If you are in custody, you will typically be present via video-link, or if on bail you can attend the hearing in person.

Court of Appeal judges will hear the case, and you will be represented by an advocate at the hearing. In some cases, the prosecution is also present, but not always.

When will I find out the result?

In most cases, the result is announced at the end of the hearing. If complex issues are involved, then the decision might take a few weeks longer.



If you have any questions, please contact us:

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