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Your Ref:

30 November 2018

VIA EMAIL ONLY: *laughton.andrew@gmail.com*

Mr Andrew Laughton
11B Keble Heights
COLLEGE GROVE WA 6230

Dear Andrew,

RE: Appeal

I have your email of 30 November 2018.

You have 21 days in which to appeal to the Court of Appeal.

You have to work out your grounds of appeal.

There is an initial filing fee for filing an appeal, that is in the sum of \$220.00, to the Supreme Court.

Upon filing what is known as the "Appellant's Case", there is another filing fee of \$3,013.00.

I **enclose** for your attention a copy of Rule 32 of the Supreme Court (Court of Appeal) Rules (5 pages) so you can see the complexity that you are moving off to now if you go ahead and appeal, for your information.

Regards,


Per: Max Owens

Enc. copy Rule 32

31. Respondent's options

- (1) On being served with an appeal notice, a respondent may file a Form 4.
- (2) If the respondent files a Form 4, it must be filed within 7 days after the date on which the respondent is served with the appeal notice.
- (3) A Form 4 may be filed together with an application, made in accordance with rule 44, for an interim order.
- (4) If a respondent does not file a Form 4, the respondent is not entitled to take part or be heard in the appeal and is not a party to the appeal for the purposes of these rules.
- (5) If a respondent files a Form 4 in which the respondent also appeals against the decision specified in the appellant's appeal notice, the registrar may order —
 - (a) the respondent to file documents in respect of the respondent's appeal that correspond to the "Appellant's case" referred to in rule 32; and
 - (b) the appellant to file documents in respect of the respondent's appeal that correspond to the "Respondent's answer" referred to in rule 33,

within such periods as the registrar may order.

32. "Appellant's case" to be filed

- (1) After an appeal notice is filed, the appellant must file the "Appellant's case".
- (2) The appellant's case must be filed —
 - (a) in an interlocutory civil appeal, within 7 days after the date on which the appeal notice is filed;
 - (b) in any other appeal, within 35 days after the date on which the appeal notice is filed.

- (3) The appellant's case consists of a Form 7 to which is attached —
- (a) in an interlocutory civil appeal or a sentence appeal, these documents —
 - (i) a document titled "Appellant's grounds of appeal";
 - (ii) a document titled "Appellant's submissions";
 - (iii) a document titled "Appellant's legal authorities";
 - (iv) a document titled "Orders wanted";
 - (b) in any other appeal, these documents —
 - (i) a document titled "Appellant's grounds of appeal";
 - (ii) a document titled "Appellant's submissions";
 - (iii) a document titled "Appellant's legal authorities";
 - (iv) a document titled "Orders wanted";
 - (v) a document titled "Draft chronology";
 - (vi) a document titled "Draft appeal book indexes".
- (4) The document titled "Appellant's grounds of appeal" —
- (a) must contain all of the grounds of appeal on which the appellant intends to rely at the hearing of the appeal;
 - (b) must state the grounds, and concise particulars of them, succinctly in numbered paragraphs and must not merely allege —
 - (i) that the primary court erred in fact or in law;
 - (ii) that the primary court's decision is against the evidence or the weight of evidence or is unreasonable and cannot be supported having regard to the evidence;
 - (iii) that the primary court's decision is unsafe or unsatisfactory; or

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- (iv) in the case of an appeal against a sentence, that the sentence is excessive or inadequate;
- and
- (c) must state, for each ground, whether it is —
 - (i) an error of fact;
 - (ii) an error of law; or
 - (iii) an error of mixed fact and law.
- (5) The document titled “Appellant’s submissions” —
 - (a) must, for each ground of appeal, contain the appellant’s written submissions (or argument) expressed so as to convey the substance of them clearly and as succinctly as possible;
 - (b) must set out the submissions about the ground in numbered paragraphs;
 - (c) must include references to —
 - (i) each page number of the primary court’s transcript on which relevant material appears;
 - (ii) the number of each exhibit in the primary court that is relevant; and
 - (iii) each principal legal authority on which the appellant relies in support of the ground;
 - (d) must not be more than 20 pages long; and
 - (e) must be signed by the person who prepared it.
- (6) The document titled “Appellant’s legal authorities” —
 - (a) must list, and number consecutively, each principal legal authority to which the court is referred, under these headings in this order —
 - (i) “Written laws”;
 - (ii) “Judgments”;
 - (iii) “Legal texts”;

- (b) must mark with an asterisk any legal authority from which it is intended to read any text to the court at the hearing;
- (c) for each written law listed, include its short title, its jurisdiction and each relevant section or provision of it;

[Example:

Written laws:

*1. Interpretation Act 1984 (WA) s. 5 "under"; s. 61.

2. Acts Interpretation Act 1901 (Cth) s. 22(1).]

- (d) for each judgment listed, include —
 - (i) first, its citation in an authorised law report (if any) and any page of it on which is a relevant passage; and
 - (ii) second, its media neutral citation (if any).

[Example:

Judgments:

*3. *Ward v The Queen* (2000) 23 WAR 254 at 274; [2000] WASCA 413 at [106].

4. *Talbot v Lane* (1994) 14 WAR 120.]

and

- (e) for each authoritative legal text listed, refer to the edition concerned and to each relevant passage.
- (7) The document titled "Orders wanted" must set out —
 - (a) the orders that the appellant wants the Court of Appeal to make; and
 - (b) if in a criminal appeal the appellant wants the Court of Appeal to give a guideline judgment — the guidelines that it is proposed the court should give.
 - (8) The document titled "Draft chronology" must state succinctly in numbered paragraphs arranged in date order the date and facts of each event that is material to the appeal.

- (9) The document titled “Draft appeal book indexes” must set out for each of the 3 parts of the appeal book a draft index of the proposed contents of the part, being the documents required by rule 38 to be in the part.

33. “Respondent’s answer” to be filed

- (1) In this rule —
appellant’s grounds of appeal means the appellant’s grounds of appeal as modified by any order made under rule 43.
- (2) After being served with the appellant’s case, the respondent must file the “Respondent’s answer”.
- (3) The respondent’s answer must be filed —
(a) in an interlocutory civil appeal, within 7 days after;
(b) in any other appeal within 21 days after,
the date the respondent is served with a notice issued by the registrar requiring the answer to be filed.
- (4) The respondent’s answer consists of a Form 8 to which is attached —
(a) in an interlocutory civil appeal, these documents —
(i) a document titled “Respondent’s submissions”;
(ii) if the respondent seeks to uphold the primary court’s decision on a ground not relied on by the primary court — a document titled “Respondent’s notice of contention”;
(iii) a document titled “Respondent’s legal authorities”;
(b) in a sentence appeal, these documents —
(i) a document titled “Respondent’s submissions”;
(ii) a document titled “Respondent’s legal authorities”;