



APPEALING A MAGISTRATES' COURT SENTENCE

Appeals from the Magistrates' Court can be made against a conviction or sentence and are made to the County Court.

The accused has 28 days to lodge an appeal, after which an appeal lodged after this time is deemed to be an application for leave to appeal which is determined by the County Court. The appellant can abandon their appeal at any time up to and including the hearing date of the appeal. To do this, a Notice of Abandonment of Appeal is lodged with the County Court. Lodgement of an appeal stops the operation of the sentencing order, except where the order affects an appellant's right to drive a motor vehicle. In this case, an application can be made to the Magistrate upon lodging of an appeal to request permission to drive pending the hearing of the appeal.

If an appellant is appealing against a sentence of imprisonment, an application for appeal bail can be made to the Magistrate upon lodgement of an appeal. An appeal to the County Court operates as a re-hearing of the charge.

Source: Magistrates Court of Victoria, www.magistratescourt.vic.gov.au