

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:**Hearing Location:****INTERLOCUTORY APPLICATION FOR SET ASIDE AND RE-HEARING****Criminal Procedure Act 1921 s 76A**

[MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT] Select one COURT OF SOUTH AUSTRALIA
CRIMINAL JURISDICTION

[FULL NAME]**Informant****v****[FULL NAME]****Defendant/Youth**

Lodging party		
Name of law firm/office	<small>Party title</small>	<small>Full Name of party</small>
<small>If applicable</small>	<small>Law firm/office</small>	<small>Responsible Solicitor</small>
Name of authorised officer		
<small>If body corporate and no law firm/office</small>	<small>Full Name</small>	

Application details

This Application is for a conviction or order to be set aside and the matter listed for re-hearing.

This Application is made under section 76A of the *Criminal Procedure Act 1921*.

The Applicant Select one seeks the following orders:

- that the following convictions or orders be set aside and listed for re-hearing:

Enter convictions and orders in numbered paragraphs

(a)

This Application is made on the grounds that:

- the parties consent to having the conviction[s] or order[s] set aside. The consent of the [party title] [name] is evidenced by [Enter type of evidence] eg letter or email from party's solicitor
- the conviction[s] or order[s] [was/were] Select one made in error because [Enter details].

it is in the interest of justice to set aside the conviction[s] or order[s] because *[Enter details]*.

To the Other Parties: WARNING

Next paragraph only applicable if Youth Court or Supreme Court

This Application will be considered at the hearing at the date and time set out at the top of this document.

Next paragraph only applicable if jurisdiction other than Youth Court or Supreme Court

This Application will be considered at a hearing to be convened by the Court. You will receive a notice of hearing with details of the location, date and time of the hearing.

If you wish to oppose the Application or make submissions about it:

- **you must attend the hearing** and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders you **must** file and serve on all parties an affidavit before the hearing date.

If you do not do so, the Court **may proceed in your absence** and orders may be made **finally determining** this application without further warning.

To the original [*Defendant/Youth*]: WARNING

You **must** attend the hearing or have a solicitor attend for you to make submissions in [*support of/response to*] select one this Application.

If you are in custody, arrangements can be made for you to appear before the Court in person or via audiovisual link on the day of the hearing. You should inform the Court Registry whether you wish to appear in person or by audiovisual link.

Service

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

Accompanying documents

Accompanying this Application is a:

- Supporting Affidavit mandatory if relying on interests of justice
- Evidence of the consent of the other parties mandatory if relying on consent
- If other additional document(s) please list them below: