

Foreword

Apart from a few specialists, advocates practising in crime spend the vast majority of their time dealing with criminal cases in the Magistrates' and Crown Courts. Forays to the Court of Appeal Criminal Division can be few and far between and I suspect these infrequent appearances often engender feelings of uncertainty and apprehension. I vividly recall the challenge that is presented when all three members of the court are seemingly unimpressed by an argument, and proceed to fire difficult questions in rapid succession. The advocate can feel very lonely and ill equipped. Furthermore, appellate proceedings are in many ways a wholly different exercise to conducting first instance cases, and the procedure, the conventions and the jurisprudence are voluminous and can feel positively byzantine, especially to the uninitiated.

In order for the Court of Appeal Criminal Division to function efficiently and effectively, it is crucial that the advocates understand and apply the rules, and that the procedures of these courts are loyally followed. A relatively small number of judges deal with a high volume of work, and this is only possible if the applicants/appellants and the respondents prepare and present these cases in accordance with the established modus operandi. There are many elephant traps lying in wait for those who have not done their homework in advance. For the judiciary, it is a joy when cases are properly prepared, presented and economically argued and there is a risk that good points may be obscured if the court is forced to wrestle with a chaotically prepared case or when unfocussed submissions fail to distinguish between good and bad points.

This book is a wholly welcome addition to the relatively few guides that are available for advocates in this field. One of its great strengths is that it has been presented in a rigorously practical and intelligent way, and as a consequence it provides an impressive mix of purely practical assistance on basic procedure, along with detailed insight into some of the more legally challenging issues. The layout of the book means that it will be easy to use – the different stages are clearly delineated and it provides 'cradle to grave' assistance. It offers a clear route through the labyrinth and it is packed with excellent legal analysis. In the result, I suspect that many members of the judiciary will have it close at hand as a critical point of reference.

Lord Justice Fulford
Vice President of the Court of Appeal Criminal Division

This chapter extract was taken from:

Criminal Appeals Handbook, 2nd Edition

by Joel Bennathan QC, Rebecca Trowler QC and Gregory Stewart.

To **watch interviews** about criminal appeals with Joel Bennathan QC visit:

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