

## What is an undue leniency appeal?

- An undue leniency appeal is when the DPP believes that the sentence the convicted person received in your case is unduly lenient and has lodged an appeal.
- The Appeals Section in the Office of the DPP will deal with the undue leniency appeal.
- Even though a convicted person who is in prison can apply for bail while waiting for the appeal, bail is rarely granted. If bail is granted, it is only in exceptional circumstances.
- A hearing date will be set when all the paperwork is completed by our Office.
- The Appeal Court judges will read the written record (the transcripts) from the original trial, including any Victim Impact Statements you made, to understand the trial judge's reasons for giving the sentence.

## What to expect at the court hearing

- There is no need for you to attend the appeal hearing, but you can attend if you want to.
- The investigating Garda will keep you informed about the appeal.
- The investigating Garda can arrange a meeting with the prosecuting counsel and solicitor before the appeal hearing if you so wish.
- The appeal will be heard by three judges sitting in the Court of Appeal (Criminal) which usually sits in the Criminal Courts of Justice in Dublin.
- On the hearing date, the three judges will hear legal submissions from both the prosecution and the defence teams.
- It is extremely rare that any witnesses will be called to give evidence at this hearing.
- The judges will consider a sentence to be 'unduly lenient' only if they believe that the trial judge was wrong in law to give such a light sentence.
- If the judges need more time to consider the case, they will reconvene on another date to give their judgment.
- The judges may either increase the sentence or not change the sentence.

## Who to contact if you have further queries

- If you have any further queries, please contact the investigating Garda who will pass any queries on to the Office of the DPP.