

CRIMINAL PROCEEDINGS

SASKATCHEWAN COURT OF QUEEN'S BENCH
RULES RESPECTING PRE-TRIAL CONFERENCES

(SI/86-158, *Canada Gazette* (Part II), September 3, 1986.)

- 1** When an accused is to be tried with a jury, a pre-trial conference shall be held at a time, date, place and manner as directed by a judge of the court, or at such further dates and times as may be ordered by the judge who presides at the pre-trial conference. R.1.
- 2** Unless otherwise ordered, the pre-trial conference shall be attended by:
 - (a) the counsel who will represent the accused at trial, or the accused if he does not have counsel; and
 - (b) by the prosecutor who will appear at trial, or a senior counsel in charge of prosecutions. R.2.
- 3** The purpose of the pre-trial conference is to consider such matters as will promote a fair and expeditious trial. R.3.
- 4** Unless otherwise ordered, a pre-trial conference shall be an informal meeting conducted in chambers at which a full and free discussion of the issues raised may occur without prejudice to the rights of the parties. R.4.
- 5** At the pre-trial conference, counsel shall disclose to the judge the nature and particulars of any preliminary motion which counsel intend to make. R.5.
- 6** The presiding judge, in his discretion, may direct that such motion be reduced to writing and be heard at such time as he deems fit, prior to the date fixed for trial, or he may direct that the motion be heard at the outset of the trial. R.6.
- 7** At the pre-trial conference, counsel shall disclose to the presiding judge the nature and particulars of any matter which may arise in the course of the trial and which would ordinarily be dealt with in the absence of the jury after it has been sworn, and the anticipated length of time which such matter would require for hearing. R.7.
- 8** The trial judge, in his discretion, may direct that such matter be dealt with before any juror or a panel of jurors is called, at such date and time as the judge deems fit, or may direct that the matter be dealt with in the absence of the jury after it has been sworn. R.8.
- 9** A judge conducting a pre-trial conference shall upon its completion endorse the indictment, or a true copy thereof, as to the date the pre-trial conference was held. R.9.
- 10** Nothing contained in these rules shall preclude the court from conducting other informal pre-trial conferences in addition to the mandatory conference provided for in ss. 553.1(2), on such terms as the judge sees fit. R.10

APPLICATIONS AND HEARINGS CONCERNING A REDUCTION IN THE NUMBER
OF YEARS OF IMPRISONMENT WITHOUT ELIGIBILITY FOR PAROLE

—————
(SOR/90-74, *Canada Gazette* (Part II), January 31, 1990; erratum *Canada Gazette*
(Part II), March 14, 1990.)

Repealed by SOR/2005-99

SCHEDULE

[Sections 3 and 4]

FORM A

Repealed by SOR/2005-99

FORM B

Repealed by SOR/2005-99

THE COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
SUMMARY CONVICTION APPEALS

Interpretation

1 In these Rules:

“**appeal**” means an appeal from a summary conviction court under Part XXVII of the *Criminal Code*, R.S.C. 1985, c. C, and *The Summary Offences Procedure Act, 1990*, S.S. 1990-91, c. S.1, as amended from time to time; (*appel*)

“**appeal court**” means the Court of Queen’s Bench for Saskatchewan; (*tribunal d’appel*)

“**authority**” means:

- (a) a municipality;
- (b) the Meewasin Valley Authority;
- (c) the Wakamow Valley Authority;
- (d) the Wascana Centre Authority;
- (e) the University of Regina; or
- (f) the University of Saskatchewan; (*autorité*)

“**file**” means file with a local registrar; (*déposer*)

“**Form**” mean a Form as set out in the Appendix to these Rules; (*formule*)

“**judge**” means a judge of the appeal court; (*judge*)

“**local registrar**” includes a deputy local registrar of the appeal court; (*registraire local*)

“**prosecutor**” means;

- (a) with respect to an appeal in respect of an offence under the *Criminal Code*, a prosecutor as defined in section 2 of the *Criminal Code*;
- (b) with respect to an appeal in respect of an offence under an Act of Saskatchewan or a regulation made pursuant to an Act of Saskatchewan, the following persons, including counsel or an agent acting on behalf of any of them:
 - (i) the Attorney General for Saskatchewan; or
 - (ii) if the Attorney General for Saskatchewan does not intervene, the informant or person who issued the ticket for the offence;

(c) with respect to an appeal in respect of an offence under an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada, the following persons, including counsel or an agent acting on behalf of any of them:

- (i) the Attorney General of Canada; or
- (ii) if the Attorney General of Canada does not intervene, the informant or person who issued the ticket for the offence;

(d) with respect to an appeal in respect of a bylaw of an authority, the authority and includes anyone authorized by the authority to prosecute bylaws on its behalf. (*poursuivant*)

Appeal by defendant

2(1) A defendant who commences an appeal shall file with the local registrar nearest to the place where the decision was made a Notice of Appeal in Form 1 in accordance with the instructions on that form.

(2) The defendant shall commence the appeal under this Rule within 30 days after the pronouncement of the order under appeal, or within 30 days after the imposition of sentence if a sentence has been imposed, whichever is later.

(3) The defendant shall state their address for service on the Notice of Appeal, including:

- (a) their telephone number; and
- (b) if applicable, their fax number and email address.

(4) After filing a Notice of Appeal, the defendant shall notify the local registrar in writing of any change to that information.

(5) Filing of the Notice of Appeal with the local registrar constitutes service on the prosecutor.

(6) The local registrar shall forward a copy of the Notice of Appeal to the prosecutor.

Appeal by prosecutor

3(1) A prosecutor who commences an appeal shall file with the local registrar nearest to the place where the decision was made a Notice of Appeal in Form 2 in accordance with the instructions on that form.

(2) The prosecutor shall commence the appeal under this Rule within 30 days after the pronouncement of the order under appeal, or within 30 days after the imposition of sentence if a sentence has been imposed, whichever is later.

(3) The prosecutor shall state their address for service on the Notice of Appeal, including:

- (a) their telephone number; and
- (b) if applicable, their fax number and email address.

(4) The prosecutor shall serve the defendant with the Notice of Appeal not later than 10 days after it is filed with the local registrar.

Service on defendant

4(1) The prosecutor shall serve the Notice of Appeal and any other document required to be served on the defendant by personal service.

(2) The prosecutor shall file proof of service with the local registrar.

(3) If the prosecutor is unable to serve the Notice of Appeal or any other document that is required to be served on the defendant personally, the prosecutor may apply *ex parte* to a judge of the appeal court for an order to serve the defendant in the manner that the appeal court directs.

(4) If the prosecutor serves the Notice of Appeal or any other document that is required to be served in accordance with an order for substituted service, the defendant is deemed to have been served with that document.

(5) On the application of the defendant or prosecutor, the appeal court may:

(a) set aside or vary an order for substituted service as the appeal court considers just; and

(b) make any order respecting service of either or both of the Notice of Appeal and any other document.

Material from summary conviction court

5 After the Notice of Appeal has been filed, the local registrar shall obtain the material provided for in subsection 821(1) of the *Criminal Code* from the summary conviction court.

Transcripts

6(1) Within 14 days after serving the Notice of Appeal, the appellant shall furnish to the local registrar proof, satisfactory to the local registrar, that transcripts of the trial proceedings have been ordered.

(2) Subrule (1) does not apply if the appellant has applied under Rule 8 for a trial *de novo*.

Transcript of evidence

7 Unless the appeal court otherwise orders, or an agreed statement of facts has been filed pursuant to subsection 830(2) of the *Criminal Code*, the appellant shall, within 10 days after receipt of the transcript,

(a) if the appeal is against an order other than sentence;

(i) file:

(A) the original and one copy of the transcript of evidence; and

(B) the reasons for judgment from the summary conviction court; and

(ii) serve one copy of the transcript of evidence and the reasons for judgment on the respondent;

- (b) if the appeal is against sentence:
 - (i) file:
 - (A) the transcript of evidence, if any, of the sentencing proceedings, including the submissions of the prosecution and the defence as to sentence; and
 - (B) the reasons for sentence, and
 - (ii) serve one copy of the transcript of evidence mentioned in clause (i)(A) and the reasons for sentence on the respondent; or
- (c) if the appeal is against both sentence and an order other than sentence, file and serve on the respondent the material mentioned in paragraphs (a) and (b) within 10 days after receipt of the transcript.

Application for trial *de novo*

8(1) An appellant who applies for a trial *de novo* under subsection 822(4) of the *Criminal Code* shall submit a Notice of Application to the appeal court within 30 days after serving the Notice of Appeal.

(2) At least seven days before the hearing of the application, the appellant shall serve a copy of the Notice of Application and any supporting material on the respondent.

Date, time and place of hearing

9(1) The appellant is not required to state a date, time or place for the hearing of the appeal in a Notice of Appeal.

(2) On receipt of the material required to be transmitted by the summary conviction court pursuant to subsection 821(1) of the *Criminal Code* and a transcript of the evidence, unless dispensed with by order of the appeal court, the local registrar shall set a date, time and place for the hearing of the appeal.

Notice of date, time and place of hearing

10 As soon as the appeal is set for hearing, the local registrar of the appeal court shall give notice to the appellant and to the respondent that the appeal has been set down for hearing as well as notice of the date and time when, and the place where, the appeal will be heard.

Memorandum of argument required

11 Unless the appeal court otherwise orders, the appellant and respondent shall each file a memorandum of argument with the local registrar.

Appellant's memorandum of argument

12 The appellant's memorandum of argument shall be in Form 3 and shall contain the following information:

- (a) **Part 1 Introduction:** The appellant's brief summary of the context for the appeal;

- (b) **Part 2 Jurisdiction and Standard of Review:** The appellant shall state its position on each of the following matters:
- (i) the source of the right of appeal;
 - (ii) the jurisdiction of the court to determine the appeal; and
 - (iii) the applicable standard of appellate review;
- (c) **Part 3 Summary of Facts:** The appellant shall concisely state the facts;
- (d) **Part 4 Points in Issue:** The appellant shall concisely state the points in issue in the appeal;
- (e) **Part 5 Argument:** The appellant's argument setting out precisely the points of law or fact to be argued and the basis for the argument, with reference to the page and line of the transcript and the authorities relied on in support of each point. Any statute, regulation, rule, ordinance, bylaw or part thereof relied upon shall be copied as an appendix to the memorandum or separately filed;
- (f) **Part 6 Relief:** The precise order the appellant desires the court to make; and
- (g) **Part 7 Authorities:** A table of authorities relied upon by the appellant, arranged alphabetically. Citations shall be done in compliance with the *Citation Guide for the Courts of Saskatchewan*.

New. Gaz. 26 Jne 2015.

Respondent's memorandum of argument

13 The respondent's memorandum of argument shall be in Form 4 and shall contain the following information:

- (a) **Part 1 Introduction:** The respondent's brief summary of the context for the appeal;
- (b) **Part 2 Jurisdiction and Standard of Review:** The respondent shall state its position on each of the following matters:
- (i) the source of the right of appeal;
 - (ii) the jurisdiction of the court to determine the appeal; and
 - (iii) the applicable standard of appellate review;
- (c) **Part 3 Summary of Facts:** The respondent shall concisely accept, modify or supplement the appellant's statement of facts as required;
- (d) **Part 4 Points in Issue:** The respondent shall accept or respond to each point in issue raised in the appellant's memorandum and add such additional points as it wishes to raise. The respondent shall state any intention and the reasons to argue the judgment should be upheld, in whole or in part, for reasons not found in the judgment and not raised in the appellant's memorandum;

- (e) **Part 5 Argument:** The respondent's argument, setting out concisely the points of law or fact to be argued and the basis for the argument, with reference to the page and line of the transcript and the authorities relied on in support of each point. Any statute, regulation, rule, ordinance, bylaw or part thereof relied upon shall be copied as an appendix to the memorandum or separately filed;
- (f) **Part 6 Relief:** The precise order the respondent desires the court to make; and
- (g) **Part 7 Authorities:** A table of authorities relied upon by the respondent, arranged alphabetically. Citations shall be done in compliance with the *Citation Guide for the Courts of Saskatchewan*.

New. Gaz. 26 Jne 2015.

Service by appellant

14 At least 30 days before the date set for the hearing of the appeal, the appellant shall file their memorandum of argument and serve a copy on the respondent.

Service by respondent

15 At least 15 days before the date set for the hearing of the appeal, the respondent shall file their memorandum of argument and serve a copy on the appellant.

Application to dismiss appeal

16(1) The respondent may apply to the appeal court for an order that the appeal be dismissed if the appellant fails to:

- (a) pursue the appeal diligently; or
- (b) comply with these Rules.

(2) The respondent shall serve the appellant with 14 days' notice of the date, time and place of the hearing of the application.

Reference to appeal court

17 If the local registrar considers that the appellant has not pursued the appeal diligently or has not complied with these Rules, the local registrar may refer the matter to the appeal court.

Notice of reference

18 If the local registrar makes a reference under Rule 17, the local registrar shall serve the appellant and the respondent with 14 days' notice of the date, time and place of the hearing of the reference, by mailing the notice to each party's address for service.

Order of appeal court

19 On an application under Rule 16 or a reference under Rule 17, the appeal court may dismiss the appeal or make any other order it considers just.

Power of court if appellant fails to file memorandum or to appear

20 If an appellant fails to file a memorandum of argument as required by Rule 14 and fails to appear at the hearing on the date and at the time and place set out in the notice given by the local registrar under Rule 10, the appeal court may dismiss the appeal or make any other order it considers just.

Abandonment

21 An appellant may abandon an appeal by

- (a) signing and filing a notice in Form 5; or
- (b) informing the appeal court in person or by counsel that the appeal is abandoned.

Time limits

22 Any judge may, on application, extend or shorten the time provided for the giving of any notice or the doing of any act, even if an application for extension or an order granting an extension is made after the time has expired.

Application for release or stay

23 An appellant who applies for release, a stay of a probation order, a stay of a driving prohibition, or any other stay order, shall file with the local registrar:

- (a) a Notice of Application in Form 6;
- (b) an affidavit verifying the facts on which the appellant relies in support of the application; and
- (c) any other material on which the appellant relies in support of the application.

Service of application on prosecutor

24 On filing an application under Rule 23, the appellant shall serve the application and accompanying material on the prosecutor.

Notice of hearing

25 If an appellant applies pursuant to Rule 23, the local registrar shall:

- (a) within three days after receiving the material from the appellant, set a date for the hearing of the application; and
- (b) notify the appellant and the respondent of the date and time when, and the place where, the hearing will be held.

When appeal court may make orders re application without prosecutor

26 With the written consent of the prosecutor, the appeal court may make any order on an application pursuant to Rule 23 without the attendance of the prosecutor.

General procedure and practice of appeal court to be followed

27 Unless provided otherwise by statute or by these Rules, the general procedure and practice of the appeal court shall be applied, with necessary modification, in a summary conviction appeal, including an application to dismiss an appeal and an application for release or stay.

Repeal

28 *The Saskatchewan Court of Queen's Bench Summary Conviction Appeal Rules* are repealed.

Coming into effect

29 These Rules come into effect on April 1, 2011.

APPENDIX

FORM 1

(NOTICE OF APPEAL BY DEFENDANT)

Q.B.G. No. _____ of 20_____

IN THE COURT OF QUEEN'S BENCH

JUDICIAL CENTRE OF _____

BETWEEN:

APPELLANT

AND

RESPONDENT

NOTICE OF APPEALTHE APPELLANT hereby appeals from: *(check one of the following)*

- the order made;
- the conviction entered;
- the sentence imposed; or
- both the conviction entered and the sentence imposed;

in the Summary Conviction Court.

Information About the Conviction and/or Sentence Under Appeal:

1. Name of Summary Conviction Court
2. Location of Summary Conviction Court
3. Name of Presiding Judge or Justice in Summary Conviction Court
4. Date on which the Conviction was Entered
5. Description of Conviction Entered (state fully offence(s) on which convicted)
6. Date on which the Sentence was Imposed
7. Description of Sentence Imposed

Grounds of Appeal: *(set out briefly the basis of the Appeal)*

Order Sought: *(set out briefly what order the Appellant is seeking)*

Information About the Appellant:

1. The Appellant is: *(check one of the following)*

incarcerated at _____ ; or

not incarcerated.

2. The Appellant: *(check one of the following)*

will be represented by a lawyer on the Appeal; or

will not be represented by a lawyer on the Appeal.

3. The Appellant wishes to present the Appeal: *(check one of the following)*

by memorandum of argument; or

by oral presentation and by memorandum of argument.

4. The Appellant's address for service is:

(include telephone number, email address and fax number if applicable)

DATED at _____, Saskatchewan, this _____ day of _____, 20_____.

(Signature of Appellant or Appellant's Lawyer)

TO: The Local Registrar of the Judicial Centre of _____

This document was delivered by: _____

(name, address, telephone number, fax number and email address of appellant or appellant's lawyer)

FORM 2

(NOTICE OF APPEAL BY PROSECUTOR)

Q.B.G. No. _____ of 20____

IN THE COURT OF QUEEN'S BENCH

JUDICIAL CENTRE OF _____

BETWEEN:

APPELLANT

AND

RESPONDENT

NOTICE OF APPEALTHE APPELLANT hereby appeals from: *(check one of the following)*

- the order made;
- the dismissal order made;
- the sentence imposed; or
- both the dismissal order made and the sentence imposed;

in the Summary Conviction Court.

Information About the Conviction and/or Sentence Under Appeal:

1. Name of Summary Conviction Court
2. Location of Summary Conviction Court
3. Name of Presiding Judge or Justice in Summary Conviction Court
4. Date on which the Order was Made
(complete if Appeal relates to order or dismissal order)
5. Description of Order Made
(if dismissal order, state fully the offence or offences charged in the information dismissed)
6. Date on which the Sentence was Imposed
(complete if Appeal relates to sentence imposed)
7. Description of Sentence Imposed

Grounds of Appeal: *(set out briefly the basis of the Appeal)*

Order Sought: *(set out briefly what order the Appellant is seeking)*

Information About the Appellant:

1. The Appellant wishes to present the Appeal: *(check one of the following)*

by memorandum of argument; or

by oral presentation and by memorandum of argument.

2. The Appellant's address for service is:

(include telephone number, email address and fax number if applicable).

DATED at _____, Saskatchewan, this ____ day of _____, 20 ____.

(Signature of Prosecutor)

TO: The Respondent, _____

AND TO: The Local Registrar of the Judicial Centre of _____

This document was delivered by: _____

(name, address, telephone number, fax number and email address of appellant or appellant's lawyer)

FORM 3

Q.B.G. No. _____ of 20 _____

IN THE COURT OF QUEEN'S BENCH
 JUDICIAL CENTRE OF _____

BETWEEN:

APPELLANT

AND:

RESPONDENT

APPELLANT'S MEMORANDUM OF ARGUMENT

1. **Introduction:**
2. **Jurisdiction and Standard of Review:**
3. **Summary of Facts:**
4. **Points in Issue:**
5. **Argument:**
6. **Relief:**
7. **Authorities**

DATED at _____, Saskatchewan, this ____ day of _____, 20__.

*(Signature of Appellant or
 Appellant's Lawyer)*

TO: The Local Registrar of the Judicial Centre of _____

AND TO: The Respondent, _____

This document was delivered by: _____

*(name, address, telephone number, fax number and email address of appellant or appellant's
 lawyer)*

FORM 4

Q.B.G. No. _____ of 20 _____

IN THE COURT OF QUEEN'S BENCH
 JUDICIAL CENTRE OF _____

BETWEEN:

APPELLANT

AND:

RESPONDENT

RESPONDENT'S MEMORANDUM OF ARGUMENT

1. **Introduction:**
2. **Jurisdiction and Standard of Review:**
3. **Summary of Facts:**
4. **Points in Issue:**
5. **Argument:**
6. **Relief:**
7. **Authorities**

DATED at _____, Saskatchewan, this ____ day of _____, 20__.

*(Signature of Respondent or
 Respondent's Lawyer)*

TO: The Local Registrar of the Judicial Centre of _____

AND TO: The Appellant, _____

This document was delivered by: _____

*(name, address, telephone number, fax number and email address of appellant or appellant's
 lawyer)*

FORM 5

Q.B.G. No. _____ of 20 _____

IN THE COURT OF QUEEN'S BENCH

JUDICIAL CENTRE OF _____

BETWEEN:

APPELLANT

AND

RESPONDENT

NOTICE OF ABANDONMENT

THE APPELLANT hereby abandons this appeal.

DATED at _____, Saskatchewan, this ____ day of _____, 20 _____.

(Signature of Appellant or Appellant's Lawyer)

[if this document is signed by the Appellant, the attached Affidavit of Execution must also be completed]

This notice was signed by the Appellant in the presence of:

(subscribing witness)

(print name of subscribing witness)

TO: The Local Registrar of the Judicial Centre of _____

This document was delivered by: _____.
(name, address, telephone number, fax number and email address of appellant or appellant's lawyer)

AFFIDAVIT OF EXECUTION

I, _____, of _____,
in the Province of _____,

MAKE OATH AND SAY:

1. That I was personally present and did see _____,
the Appellant named in the Notice of Abandonment, who is personally known to me to
be the person named in it, duly sign and execute the Notice of Abandonment;
2. That the Notice was executed at _____,
in the Province of _____
and that I am a subscribing witness to it;
3. That I know the said _____ and he/she is in my belief
eighteen years of age or more.

SWORN BEFORE ME AT _____ in the Province of Saskatchewan,
this _____ day of _____, 20_____.

A Commissioner for Oaths

In and for the Province of Saskatchewan.

My commission expires: _____

OR

Being a Solicitor.

FORM 6

Q.B.G. No. _____ of 20____

IN THE COURT OF QUEEN'S BENCH

JUDICIAL CENTRE OF _____

BETWEEN:

APPELLANT

AND

RESPONDENT

NOTICE OF APPLICATION

TAKE NOTICE that the Appellant will make an application at the Court House, Judicial Centre of _____, Saskatchewan, at a date and time to be set by the Local Registrar, for an Order that:

(check one or more of the following)

- the appellant be released from custody;
- the probation order in this matter be stayed; or
- the driving prohibition in this matter be stayed pending the determination of the Appellant's Appeal.

(if the appellant seeks an order other than one mentioned above, the appellant must here set out the nature of the stay order sought)

AND TAKE NOTICE that the application will be made on the following grounds:

(briefly state grounds for application)

AND FURTHER TAKE NOTICE that in support of the said application will be read this Notice of Application, Affidavit of _____

and proof of service where necessary, all filed.

DATED at _____, Saskatchewan, this ____ day of _____, 20____.

(Signature of Appellant or Appellant's lawyer)

TO: The Local Registrar of the Judicial Centre of _____

AND TO: The Respondent _____

This document was delivered by: _____.
(name, address, telephone number, fax number and email address of appellant or appellant's lawyer)

THE COURT OF APPEAL CRIMINAL APPEAL RULES (SASKATCHEWAN)

PART I

Title and Interpretation**Title**

1 These rules may be cited as *The Court of Appeal Criminal Appeal Rules (Saskatchewan)*.

New. 15 Dec. 2010.

Interpretation

2(1) In these rules:

“**appellant**” means the person who brings an appeal; («*appelant*»)

“**chief justice**” means the chief justice as defined in *The Court of Appeal Act, 2000*; («*juge en chef*»)

“**Code**” means the *Criminal Code* (Canada); («*Code*»)

“**court**” means the Court of Appeal for Saskatchewan; («*Cour*»)

“**file**” means to file with the registrar; («*déposer*»)

“**judge**” means a judge as defined in *The Court of Appeal Act, 2000*; («*juge*»)

“**Notice of Appeal**” means the document that commences an appeal; («*avis d’appel*»)

“**offender**” means a person convicted of an offence; («*contrevenant*»)

“**registrar**” means the registrar as defined in *The Court of Appeal Act, 2000*; («*registraire*»)

“**represented**” means represented by counsel; («*version anglaise seulement*»)

“**respondent**” means the person against whom the appeal has been brought. («*intimé*»)

(2) The definitions in sections 2 and 673 of the Code apply to these rules.

New. 15 Dec. 2010.

PART II

Preliminary Matters**Purpose**

3 The purpose of these rules is to provide for the orderly and expeditious administration of justice in the court.

New. 15 Dec. 2010.

Application and scope

4 These rules apply to:

- (a) any prosecution, proceeding, action or appeal, as the case may be, within the jurisdiction of the court and instituted in relation to any matter of a criminal nature or arising from or incidental to any such prosecution, proceeding, action or appeal, in accordance with subsection 482(1) and section 482.1 of the Code; and
- (b) any appeal from conviction, acquittal, sentence or other order made pursuant to summary conviction proceedings, within the jurisdiction of the court, taken pursuant to *The Summary Offences Procedure Act, 1990*.

New. 15 Dec. 2010.

Application of civil rules

5 Except where otherwise provided in the Code, a statute or these rules, *The Court of Appeal Rules* pertaining to the practice and procedure for civil matters, as amended from time to time, apply, where appropriate and with any necessary modification.

New. 15 Dec. 2010.

Practice directives

6 The court may issue practice directives on any matter to which these rules apply.

New. 15 Dec. 2010.

Relief against strict compliance

7(1) Where it is in the interests of the proper administration of justice to do so, the court or a judge may waive compliance or relieve against non-compliance with these rules and direct the procedure to be followed.

(2) The court or a judge may enlarge or abridge the time periods fixed by these rules or by order on such terms as the case may require, and the order enlarging or abridging the time may be made before or after the fixed period has expired.

New. 15 Dec. 2010.

PART III**Commencing an Appeal and Counsel of Record****Commencing an appeal**

8(1) An offender who wishes to appeal shall commence the appeal by filing a Notice of Appeal within 30 days after the date of the imposition of sentence.

(2) If the Attorney General wishes to appeal, the Attorney General shall commence the appeal by filing a Notice of Appeal within 30 days after the date of acquittal or the date of the imposition of sentence.

(3) For greater certainty, if an offender appeals from conviction, or conviction and sentence, including an appeal from a decision made pursuant to Part XXIV (Dangerous Offenders and Long-term Offenders) of the Code:

- (a) the period within which the offender must commence the appeal begins to run from the date on which the sentence is imposed; and
- (b) the offender shall file one Notice of Appeal only.

New. 15 Dec. 2010.

Form A: Where offender is appellant

9(1) The Notice of Appeal in Form A is for all appeals commenced by or on behalf of an offender, whether represented or self-represented and whether in custody or not.

(2) The senior official of every penal institution shall, on request, supply to any inmate in that penal institution a copy of the Notice of Appeal in Form A for the inmate's use.

(3) If an offender is self-represented when he or she submits a Notice of Appeal and subsequently retains counsel, the counsel may amend the Notice of Appeal or file a new Notice of Appeal at any time before the offender's factum is filed by filing the amended Notice of Appeal or the new Notice of Appeal.

New. 15 Dec. 2010.

Form B: Where Attorney General is appellant

10 The Notice of Appeal in Form B is for all appeals commenced by the Attorney General.

New. 15 Dec. 2010.

Counsel of record

11(1) A counsel who signs a Notice of Appeal on behalf of an offender is deemed to be the counsel of record.

(2) Until an appeal is set down for hearing, a counsel may withdraw by filing a notice in Form C, with proof of service in any manner permitted by Part Three of *The Queen's Bench Rules*, of his or her intention to cease acting for the offender.

(3) After an appeal is set down for hearing, a counsel who wishes to withdraw shall apply to the court on three days' notice for an order permitting the counsel to withdraw.

(4) On and after the expiry of 10 days from the date of filing of the notice in Form C or from the date of any court order obtained pursuant to subrule (3), no documents respecting the appeal are to be served on the counsel who has withdrawn pursuant to the notice, and service on that counsel is no longer deemed to be service on the offender.

New. 15 Dec. 2010.

PART IV

Requisitioning Court File and Ordering Transcripts**Obligation to order transcript**

12 On the filing of a Notice of Appeal, the registrar shall:

- (a) requisition the court file pertaining to the appeal from the court that heard the matter; and
- (b) if, in the opinion of the registrar, based on the nature of the proceedings, a transcript is necessary, order a transcript of the proceedings or a part thereof.

New. 15 Dec. 2010.

PART V

Factums: Requirement, Periods for Filing and Content**When factum required and number of copies**

13(1) Subject to Rules 14 and 15, every appellant and respondent shall file a factum in accordance with these rules.

(2) If an appellant or respondent files a factum, he or she shall file four copies (being the original, which is unbound and un-perforated, and three copies), or more as the registrar may require.

New. 15 Dec. 2010.

No factum required from self-represented person

14 No factum is required from a self-represented person, but that person may, at any time before the hearing of the appeal, file a written argument setting out the reasons why the decision appealed from should be set aside.

New. 15 Dec. 2010.

No factum required from Attorney General

15 No factum is required from the Attorney General if the appellant is self-represented and appeals from a sentence alone, other than with respect to an appeal from a decision made pursuant to Part XXIV (Dangerous Offenders and Long-term Offenders) of the Code.

New. 15 Dec. 2010.

Factum length

16 Unless otherwise ordered by a judge, a factum shall not exceed 40 pages, excluding the table of contents, index and appendices required by these rules.

New. 15 Dec. 2010.

Periods for filing factums for sentence appeals

17 If the appeal is from a sentence alone, other than an appeal from a decision made pursuant to Part XXIV (Dangerous Offenders and Long-term Offenders) of the Code:

- (a) the appellant shall file the appellant's factum within 20 days after receipt of the transcript; and
- (b) the respondent shall file the respondent's factum within 10 days after receipt of the appellant's factum.

New. 15 Dec. 2010.

Periods for filing factums in summary conviction matters

18 If the appeal is filed pursuant to section 839 of the Code (summary conviction matters):

- (a) the appellant shall file the appellant's factum within 30 days after the filing of the Notice of Appeal; and
- (b) the respondent shall file the respondent's factum within 30 days after receipt of the appellant's factum.

New. 15 Dec. 2010.

Periods for filing factums for all other appeals

19 For all other appeals, including appeals from conviction pursuant to section 675 of the Code, from acquittal pursuant to section 676 of the Code and from decisions made pursuant to Part XXIV (Dangerous Offenders and Long-term Offenders) of the Code and for appeals that involve both a summary conviction and an indictable matter:

- (a) the appellant shall file the appellant's factum within 60 days after receipt of the transcript; and
- (b) the respondent shall file the respondent's factum within 30 days after receipt of the appellant's factum.

New. 15 Dec. 2010.

Basic content for all factums

20(1) Except where otherwise ordered by a judge, a factum shall consist of the following seven parts:

Part I. Introduction: The appellant and respondent shall each briefly summarize the context for the appeal.

Part II. Jurisdiction and Standard of Review: The appellant shall state the source of the right of appeal, the basis for the jurisdiction of the court to determine the appeal and the applicable standard of appellate review. The respondent shall state its position with respect to the same matters.

Part III. Summary of Facts: The appellant shall concisely state the facts. The respondent shall state its position taken with respect to the appellant's statement of facts and any facts it considers relevant.

Part IV. Points in Issue: The appellant shall concisely state the points in issue in the appeal. The respondent shall state its position in regard to the appellant's points that the respondent wishes to put in issue. If a respondent intends to contend that the judgment should be upheld, whether in whole or in part, for reasons not found in the judgment and not raised in the appellant's factum, it shall state that intention.

Part V. Argument: This part shall contain a statement of the argument, setting out concisely the points of law or fact to be argued and the basis for the argument, with a particular reference to the page and line of the transcript and the authorities relied on in support of each point.

Part VI. Relief: This part shall state the precise order the appellant or respondent desires the court to make.

Part VII. Authorities: This part shall contain a table of authorities that the appellant or respondent has referred to, arranged alphabetically and citing the Supreme Court Reports where possible. Appellants or respondents citing decisions from electronic databases in factums must also provide the citation from traditional print sources.

(2) Each paragraph in Parts I to VI inclusive shall be numbered consecutively.

New. 15 Dec. 2010.

Appendices required for appellant's factum

21(1) Subject to subrule (2), in all appeals other than appeals brought pursuant to section 839 of the Code, the appellant's factum shall contain copies of the following as appendices:

- (a) the Notice of Appeal;
- (b) the information or indictment and certificate of conviction or youth sentence order, as the case may be;
- (c) the written reasons of the judge appealed from, if not contained in the transcript;
- (d) any paper exhibits on which counsel intends to rely.

(2) If the appellant is self-represented:

- (a) subrule (1) does not apply; and
- (b) the respondent's factum shall contain as appendices copies of the documents referred to in subrule (1).

New. 15 Dec. 2010.

Appendices to appellant's factum for appeals from summary conviction matters only

22(1) Subject to subrule (2), in appeals brought pursuant to section 839 of the Code, the appellant's factum shall contain copies of the following as appendices:

- (a) the Notice of Appeal filed in the Court of Queen's Bench pursuant to section 813 or 830 of the Code;
 - (b) the transcript of the proceedings in the Provincial Court of Saskatchewan, if a ground of appeal is that the verdict is unreasonable or not supported by the evidence;
 - (c) if clause (b) does not apply, the parts of the transcript that are considered relevant to the appeal;
 - (d) the written reasons of the provincial court judge appealed from if not contained in the transcript;
 - (e) the information and certificate of conviction or youth sentence order, as the case may be;
 - (f) the Notice of Appeal;
 - (g) the written reasons of the Court of Queen's Bench judge appealed from, or a transcript of the proceedings in the Court of Queen's Bench, if there are no written reasons;
 - (h) any paper exhibits on which counsel intends to rely.
- (2) If the appellant is self-represented:
- (a) subrule (1) does not apply; and
 - (b) the respondent's factum shall contain as appendices copies of the documents referred to in subrule (1).

New. 15 Dec. 2010.

Form of factum

23(1) The colour of the cover of the appellant's factum shall be buff and the respondent's green.

(2) A factum shall set out on its cover the court number, the style of cause and whether it is the factum of the appellant or respondent, and if there is more than one appellant or respondent, the name of the appellant or respondent shall also be given.

(3) A factum shall be printed:

- (a) subject to subrule (4), on one side of the paper only with the printed pages facing up on the left;
- (b) in 12-point type;

- (c) with at least one and one-half line spacing, except for quotations from authorities, which shall be indented and single-spaced; and
 - (d) with margins of no less than 3.0 centimetres or one and one-half inches.
- (4) All appendices to a factum shall be printed on both sides of the paper.
- (5) The factum shall include a table of contents after which all pages shall be numbered consecutively and shall be bound in the sequence outlined in Rule 20 (Basic content for all factums).
- (6) The counsel responsible for the preparation of a factum shall sign the factum.

New. 15 Dec. 2010.

PART VI

Service of All Documents

Proof of service required from Attorney General

- 24** The Attorney General shall file proof of service of any document filed.

New. 15 Dec. 2010.

Service by the Attorney General

- 25** The Attorney General shall serve an appellant or respondent personally unless:

- (a) the appellant or respondent is represented, in which case service may be effected in any manner permitted by Part Three of *The Queen's Bench Rules*; or
- (b) an order is obtained from the court or a judge pursuant to section 678.1 of the Code.

New. 15 Dec. 2010.

Proof of service

- 26** The Attorney General may prove service by filing a Certificate of Service in Form D.

New. 15 Dec. 2010.

Deemed service on the Attorney General by filing with the registrar

- 27** On receipt of a document for filing from an appellant or respondent, other than the Attorney General acting as an appellant or respondent:

- (a) the registrar shall immediately forward the document to the Attorney General by electronic or other means; and
- (b) no further service on the Attorney General or proof of service is required.

New. 15 Dec. 2010.

PART VII
Scheduling Appeals

Registrar's authority to fix hearing dates

28 Subject to the direction of the chief justice or a judge, the registrar may fix the date and time for hearing of an appeal:

- (a) on receipt of the transcript by the registrar, if:
 - (i) the appeal is from sentence alone; or
 - (ii) the offender is self-represented; or
- (b) on receipt of the appellant's factum for all other appeals, including appeals from conviction pursuant to section 675 of the Code, from acquittal pursuant to section 676 of the Code and from decisions made pursuant to Part XXIV (Dangerous Offenders and Long-term Offenders) of the Code and for appeals that involve both a summary conviction and an indictable matter.

New. 15 Dec. 2010.

Notice of date to be provided

29(1) In the case of an appeal commenced by the Attorney General against a self-represented respondent, the Attorney General shall:

- (a) serve the respondent in accordance with Rule 25 with notice of the date fixed pursuant to Rule 28; and
 - (b) file proof of service of the notice on the respondent in accordance with Rule 26 at least 10 days before the date fixed pursuant to Rule 28.
- (2) If subrule (1) is not complied with, the court or a judge may make an order adjourning the appeal on any terms and conditions that the court or the judge considers appropriate.

New. 15 Dec. 2010.

Appeal may be heard based on written argument only

30 If the appellant and respondent agree, an appeal entered for hearing may be determined on the basis of written argument only.

New. 15 Dec. 2010.

Attendance of appellant if in custody

31 If an appellant who is in custody is entitled and desires to be present at the hearing of his or her appeal, the registrar shall issue a production order to the proper officer or officers to enable the provisions of section 688 of the Code to be carried into effect.

New. 15 Dec. 2010.

PART VIII

Appeal Management, Chambers Sittings and Adjournments**Appeal management**

32(1) If the registrar is of the opinion that the appellant has failed to pursue an appeal diligently or has failed to comply with these rules or that the appeal merits a managed approach, the registrar may refer the matter to a judge in chambers.

(2) The registrar shall make the referral mentioned in subrule (1) by sending to the appellant and respondent, by mail, fax or electronic transmission, a notice in Form E.

(3) The judge may make any order, take any measure or issue any directive that, in the opinion of the judge, will assist the court in effective and efficient management of the appeal.

(4) Without limiting the authority of a judge pursuant to subrule (3), he or she may:

- (a) set timelines to complete all steps leading to the hearing of the appeal;
- (b) schedule motions to be heard before the hearing of the appeal;
- (c) make any other order to accelerate the appeal process; and
- (d) refer the appeal to the court to be dismissed as abandoned or to make any order that the court considers just.

New. 15 Dec. 2010.

Chambers sittings

33(1) Regular chambers sittings are to be held in Regina on the second and fourth Wednesdays of each month.

(2) If a judge or the registrar is satisfied that the matter is urgent, the judge or registrar may arrange a special chambers sitting.

(3) Where the appellant and respondent agree or the registrar directs, an application in chambers may be made by telephone conference, by video conference or by any other method acceptable to the registrar.

New. 15 Dec. 2010.

Adjournments

34(1) All requests to adjourn the hearing of an appeal shall be made to the registrar immediately after being advised of the date fixed for appeal and on notice to the other party by filing Form F.

(2) The registrar:

- (a) may adjourn or decline to adjourn the hearing, subject to consulting with the court when appropriate in the opinion of the registrar, and, if adjourned, set a new date for the hearing; or
- (b) may refer the request to a judge in chambers.

(3) The decision of the registrar is final.

New. 15 Dec. 2010.

PART IX

Show Cause and Abandonment

Show cause

35 If an appellant has failed to comply with an order or direction made pursuant to Rule 32, the registrar may, on notice to the appellant and respondent in Form G, refer the appeal to the court to be dismissed as abandoned unless, on the date fixed by the registrar in Form G or on any other date fixed by the court, the appellant can show cause why the appeal should not be dismissed as abandoned.

New. 15 Dec. 2010.

Notice of abandonment

36(1) If an appellant desires to abandon an appeal, the appellant shall file a Notice of Abandonment in Form H signed by the appellant or by the appellant's counsel.

(2) A notice of abandonment has the same effect as an order dismissing an appeal unless a judge, who is satisfied that it is in the interests of justice to do so, permits the appellant to withdraw the abandonment of the appeal.

New. 15 Dec. 2010.

PART X

Appointment of Counsel

Application pursuant to section 684 of the Code

37(1) An offender who wishes to obtain court-appointed counsel pursuant to section 684 of the Code shall apply by filing:

- (a) an application in Form I;
- (b) an affidavit in Form J;
- (c) a certificate in Form K from the Saskatchewan Legal Aid Commission indicating that the appeal to it from the decision of the local office has been denied; and
- (d) any other material that the offender considers relevant to the application.

(2) On receipt of the material mentioned in subrule (1), the registrar shall forward the material to the government ministry or agency responsible for the court-appointed counsel program and to the Attorney General.

New. 15 Dec. 2010.

PART XI

Release from Custody Pending Determination of Appeal**Application**

38 An offender who wishes to apply for release from custody pending determination of the appeal pursuant to section 679 of the Code shall apply by filing:

- (a) an application in Form L;
- (b) an affidavit in Form M; and
- (c) any other material that the offender considers relevant to the application.

New. 15 Dec. 2010.

Conditions of release

39(1) If a judge determines that the offender should be granted release from custody pending determination of the appeal on entering into a recognizance or undertaking, or both, the judge shall:

- (a) in the case of recognizance, specify, in an order in Form 32 of the Code, the amounts in which the offender and his or her surety or sureties, if any, shall be bound on recognizance; and
- (b) specify those conditions that may be appropriate.

(2) An undertaking pursuant to this Rule may be in Form 12 of the Code.

(3) Unless otherwise ordered by the judge hearing the application, all orders for release from custody pending determination of the appeal shall contain the following conditions:

- (a) if the appellant is represented, that the appellant will file his or her factum within the periods provided by these rules or as otherwise fixed by the judge granting release and that if the factum is not filed within the periods provided by these rules or as otherwise fixed by the judge, the order for release will be automatically revoked;
- (b) that the appellant shall personally attend at the court on the date and at the time set for the appeal hearing or on any other day that is specified in the order;
- (c) that the appellant acknowledges that failure to attend personally at the court on the date and at the time set for the appeal hearing or on any other day that is specified in the order will be deemed to constitute an abandonment of the appeal;
- (d) that the appellant will keep the peace and be of good behaviour;
- (e) that the appellant will advise the registrar of his or her place of residence; and
- (f) any other condition that the judge considers necessary.

(4) The appellant shall file or deposit the release order, recognizance, undertaking and any money or valuable security deposited under the recognizance with the registrar.

New. 15 Dec. 2010.

Variation of order

40 A judge may, on cause being shown, revoke or amend an order previously made pursuant to section 679 of the Code.

New. 15 Dec. 2010.

PART XII**Fresh Evidence****Fresh evidence**

41(1) An appellant or respondent desiring to adduce fresh evidence on appeal shall apply to the court for leave to do so by notice of motion returnable on the date fixed for hearing the appeal.

(2) The notice of motion shall be filed not later than 10 days before the date fixed for hearing the appeal.

New. 15 Dec. 2010.

PART XIII**General****Where no procedure provided**

42 Unless otherwise provided, an application to the court or a judge shall be by notice of motion in Form N together with the affidavit in Form O.

New. 15 Dec. 2010.

Address for service

43 On every document filed, the person filing the document shall provide the following address information:

(a) if the person is represented, the name, address, telephone and fax numbers and email address, if any, of the lawyer in charge of the file; or

(b) if the person is self-represented, the full name, occupation, business or residential address, telephone and fax numbers and email address, if any, of the person.

New. 15 Dec. 2010.

Sending of documents and notices by registrar

44(1) The registrar shall send all documents and notices by ordinary mail, by fax or by other electronic means.

(2) Where the registrar sends a transcript or any other document or notice by ordinary mail, the transcript, notice or other document is deemed to have been received five days after the date it was mailed.

New. 15 Dec. 2010.

Receipt by fax

45(1) The registrar may accept a copy of a document transmitted by facsimile, provided that the person transmitting the document shall file the original document immediately thereafter.

(2) If the original document is filed, the date of filing is deemed to have been the date the facsimile was received by the registrar.

New. 15 Dec. 2010.

Electronic filing

46 Any person may file a document electronically in the manner approved by the court.

New. 15 Dec. 2010.

Computing time

47 Sections 26 to 28 of the *Interpretation Act*, R.S.C. 1985, c.I-21, apply to the computation of time under these rules.

New. 15 Dec. 2010.

Recording devices

48 Except as otherwise provided by law, no person shall record by any device, machine, or system the proceedings in the court or in chambers without leave of the court or a judge, as the case may be.

New. 15 Dec. 2010.

PART XIV**Repeal, Transitional and Coming into Effect****Repeal**

49(1) The rules of the Court of Appeal respecting Criminal Appeals, being “Criminal Proceedings – Court of Appeal for Saskatchewan, Appeals to the Court of Appeal” in effect on the day preceding the day on which these rules come into effect are repealed.

(2) Criminal Practice Directives Nos. 1, 2, 3 and 4 are repealed.

Transitional

50(1) Proceedings commenced before the coming into effect of these rules and continued after their coming into effect shall be governed by these rules without prejudice to anything lawfully done before the coming into effect of these rules.

(2) Notwithstanding subrule (1), the court or a judge may give directions respecting the application of these rules or an amendment to these rules to proceedings mentioned in subrule (1).

Coming into effect

51 These rules come into effect on December 15, 2010.

FORM A
[Rule 9]

CACR _____

NOTICE OF APPEAL
(All Offenders)

THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

Appellant

AND

HER MAJESTY THE QUEEN

Respondent

A. THE APPELLANT WISHES TO APPEAL FROM:

_____ CONVICTION

_____ CONVICTION AND SENTENCE

_____ SENTENCE ALONE

_____ DANGEROUS OFFENDER OR LONG-TERM OFFENDER DESIGNATION

_____ OTHER _____
(nature of appeal other than above)

B. PARTICULARS OF APPELLANT:

Name: _____
Last name First name Middle name

Date of Birth: ____/____/____
year month day

If the appellant is a corporation: _____
corporate name

If the appellant is in custody: _____
penal institution

If the appellant is not in custody:

address

city

province

postal code

Phone number: () _____

Email address: _____

Fax number: () _____

C. PARTICULARS OF CONVICTION AND SENTENCE

1. Location of Conviction: Provincial Court _____

city or town

or

Court of Queen's Bench
Judicial Centre of _____

2. Name of Judge: _____

3. Offence(s) the offender was convicted of: _____

4. Sentence imposed: _____

5. Date of Conviction: _____ / _____ / _____

year month day

6. Date of Sentence: _____ / _____ / _____

year month day

D. GROUNDS OF APPEAL:

THE APPELLANT WISHES TO APPEAL FOR THE FOLLOWING REASONS:

(this section may be expanded or additional pages may be attached)

E. LEGAL REPRESENTATION:

1. The Appellant is represented on appeal by:

Name of Lawyer: _____
Last name First name

Address:

_____ address

_____ city

_____ province

_____ postal code

Phone number: () _____

Email address: _____

Fax number: () _____

-OR-

2. The appellant does not presently have a lawyer but he or she intends to:

_____ arrange for legal representation

or

_____ act for himself/herself on appeal.

F. PRESENCE AT APPEAL HEARING (MARK ONE ONLY):

At the appeal hearing, the Appellant wishes to:

_____ be personally present

or

_____ appear by video conference connection
(if available at penal institution)

or

_____ not be present

G. IF A NEW TRIAL IS DIRECTED, THE APPELLANT WISHES TO BE TRIED:

_____ by judge and jury

or

_____ by single judge.

Date: _____ / _____ / _____
 year month day

Signature

(Please Note: A copy of this Notice of Appeal will be provided to the Crown by the Registrar.)

TO: REGISTRAR
 COURT OF APPEAL FOR SASKATCHEWAN
 2425 VICTORIA AVENUE
 REGINA, SASKATCHEWAN S4P 4W6
 Telephone: 306-787-5382
 Fax: 306-787-5815
 e-file: <https://ecourt.sasklawcourts.ca>

FORM B
[Rule 10]

CACR _____

NOTICE OF APPEAL
(Attorney General)

THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

HER MAJESTY THE QUEEN

Appellant

AND:

Respondent

A. THE ATTORNEY GENERAL WISHES TO APPEAL FROM:

_____ ACQUITTAL

_____ SENTENCE

_____ FAILURE TO DESIGNATE AS DANGEROUS OFFENDER OR LONG-TERM OFFENDER

_____ OTHER _____
(nature of appeal other than above)

B. PARTICULARS OF ACQUITTAL OR SENTENCE

1. Location of trial or guilty plea: Provincial Court _____
city or town

or

Court of Queen's Bench
Judicial Centre of _____

2. Name of Judge: _____

3. Offence(s) on which conviction or acquittal entered: _____

Phone number: () _____

Email address: _____

Fax number: () _____

Date: _____ / _____ / _____
 year month day

Signature _____

TO: Respondent

AND TO: REGISTRAR
 COURT OF APPEAL FOR SASKATCHEWAN
 2425 VICTORIA AVENUE
 REGINA, SASKATCHEWAN S4P 4W6
 Telephone: 306-787-5382
 Fax: 306-787-5815
 e-file: <https://ecourt.sasklawcourts.ca>

FORM D
[Rule 26]

CACR _____

THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

Appellant

AND

Respondent

CERTIFICATE OF SERVICE

I, _____, certify that a true copy of _____, an original or true copy being part of the Court file, was served on _____ on the _____ day of _____, 20 _____ at _____.

DATED at _____, Saskatchewan, this _____ day of _____, 20 _____.

(Signature)

Name: _____

Agent for the Attorney General of _____

Address: _____

TO: REGISTRAR
COURT OF APPEAL FOR SASKATCHEWAN
2425 VICTORIA AVENUE
REGINA, SASKATCHEWAN S4P 4W6
Telephone: 306-787-5382
Fax: 306-787-5815
e-file: <https://ecourt.sasklawcourts.ca>

FORM E
[Rule 32]

CACR _____

THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

Appellant

AND

Respondent

NOTICE OF REFERRAL FOR APPEAL MANAGEMENT

TAKE NOTICE THAT, pursuant to Rule 32, the Registrar has referred this appeal for appeal management to a judge of the Court of Appeal in Chambers, at the Court House, 2425 Victoria Ave., Regina SK, on Wednesday the ____ day of _____, 20 _____, at 10:00 a.m. or so soon thereafter as the matter may be heard.

AND FURTHER TAKE NOTICE THAT, pursuant to Rule 32, the judge may make any order, take any measure or issue any directive that, in the opinion of the judge, will assist the court in effective and efficient management of the appeal, including:

- (a) setting timelines to complete all steps leading to the hearing of the appeal;
- (b) scheduling motions to be heard before the hearing of the appeal;
- (c) making any other order to accelerate the appeal process; and
- (d) referring the appeal to the court for an order dismissing the appeal as abandoned or to make any order that the court considers just.

AND FURTHER TAKE NOTICE THAT if you fail to attend at the date and time noted above, an order may be made in your absence.

AND FURTHER TAKE NOTICE THAT if you are in custody, arrangements will be made for you to appear by telephone or, when it is appropriate to do so, by video conference.

DATED at Regina, Saskatchewan, this ____ day of _____, 20 ____.

Registrar, Court of Appeal

TO: Appellant

AND TO: Respondent

This notice of Referral was delivered by:

REGISTRAR
COURT OF APPEAL FOR SASKATCHEWAN
2425 VICTORIA AVENUE
REGINA, SASKATCHEWAN S4P 4W6
Telephone: 306-787-5382
Fax: 306-787-5815
e-file: <https://ecourt.sasklawcourts.ca>

FORM F
[Rule 34]

CACR _____

THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

Appellant

AND

Respondent

REQUEST TO ADJOURN

TAKE NOTICE:

1. THAT I hereby request an adjournment of the appeal hearing scheduled in this matter to

_____.
(month)

2. THAT the reason for this adjournment request is: _____

_____.

3. THAT I have given notice of this request to _____ and he or she:
(Appellant or Respondent)

_____ consents

_____ does not consent.

DATED at _____, Saskatchewan, this ____ day of _____, 20 ____.

Signature

TO: Appellant/Respondent

AND TO: REGISTRAR
COURT OF APPEAL FOR SASKATCHEWAN
2425 VICTORIA AVENUE
REGINA, SASKATCHEWAN S4P 4W6
Telephone: 306-787-5382
Fax: 306-787-5815
e-file: <https://ecourt.sasklawcourts.ca>

This document was delivered by:
Name, address, phone number and fax number of [Appellant's / Respondent's] Lawyer

FORM G
[Rule 35]

CACR _____

THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

Appellant

AND

Respondent

NOTICE TO SHOW CAUSE

TAKE NOTICE THAT, pursuant to Rule 35, the Registrar has referred this appeal to the Court of Appeal, at the Court House, 2425 Victoria Ave., Regina Saskatchewan, on _____ the ____ day of _____, 20 _____, at 10:00 a.m. or so soon thereafter as the matter may be heard for an order dismissing the appeal as abandoned.

AND FURTHER TAKE NOTICE THAT if you are in custody, arrangements will be made for you to appear by telephone or, when it is appropriate to do so, by video conference.

AND FURTHER TAKE NOTICE THAT if you fail to attend at the date and time noted above, your appeal may be dismissed as abandoned in your absence.

DATED at Regina, Saskatchewan, this ____ day of _____, 20 ____.

Registrar, Court of Appeal

TO: Appellant

AND TO: Respondent

This Notice to Show Cause was delivered by:

REGISTRAR
COURT OF APPEAL FOR SASKATCHEWAN
2425 VICTORIA AVENUE
REGINA, SASKATCHEWAN S4P 4W6
Telephone: 306-787-5382
Fax: 306-787-5815
e-file: <https://ecourt.sasklawcourts.ca>

FORM H
[Rule 36]

CACR _____

THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

_____ Appellant

AND

_____ Respondent

NOTICE OF ABANDONMENT

TAKE NOTICE THAT the Appellant, _____, hereby abandons the appeal from:

(mark all that apply)

_____ CONVICTION

_____ CONVICTION AND SENTENCE

_____ SENTENCE

_____ DANGEROUS OFFENDER OR LONG-TERM OFFENDER DESIGNATION

_____ ACQUITTAL

_____ OTHER _____

(specify appeal being abandoned)

DATED at _____, Saskatchewan, this ____ day of _____, 20 ____.

Signature of Appellant or Appellant's Lawyer

TO: Respondent

AND TO: REGISTRAR
COURT OF APPEAL FOR SASKATCHEWAN
2425 VICTORIA AVENUE
REGINA, SASKATCHEWAN S4P 4W6
Telephone: 306-787-5382
Fax: 306-787-5815
e-file: <https://ecourt.sasklawcourts.ca>

This document was delivered by:

Name, address, phone number and fax number of [Appellant's / Respondent's] Lawyer

FORM I
[Rule 37]

CACR _____

THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

AND

Appellant_____
Respondent

NOTICE OF MOTION

TAKE NOTICE THAT an application will be made to the presiding judge of the Court of Appeal, sitting in chambers, at the Court House, 2425 Victoria Avenue, Regina, Saskatchewan on Wednesday the day of _____, 20 ____ at 10:00 AM, or so soon thereafter as the matter may be heard, for an order appointing legal counsel pursuant to section 684 of the *Criminal Code* (Canada).

AND FURTHER TAKE NOTICE THAT the following material will be filed in support of the application:

- (a) this Notice of Motion;
- (b) the affidavit of _____ in Form J;
- (c) a certificate from Legal Aid in Form K;
- (d) any other material that the applicant considers relevant to the application.

DATED at _____, Saskatchewan, this ____ day of _____, 20 ____.

Signature

TO: Ministry of Justice and Attorney General
Court Services Branch
1010-1874 Scarth Street
Regina, Saskatchewan S4P 4B3
Telephone: 306-787-5359
Fax: 306-787-8737

AND TO: REGISTRAR
COURT OF APPEAL FOR SASKATCHEWAN
2425 VICTORIA AVENUE
REGINA, SASKATCHEWAN S4P 4W6
Telephone: 306-787-5382
Fax: 306-787-5815
e-file: <https://ecourt.sasklawcourts.ca>

FORM J
[Rule 37]

CACR _____

THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

_____ Appellant

AND

_____ Respondent

AFFIDAVIT IN SUPPORT

I, _____, of _____, Saskatchewan,
(name of applicant) *(city or town)*

hereby make oath and say as follows:

1. That I am the Appellant/Applicant on this appeal and make this Affidavit in support of my application for the appointment of legal counsel pursuant to section 684 of the *Criminal Code* (Canada).
2. *[In as many paragraphs as you need, describe all of your personal circumstances, including financial situation, education, family situation, work history, etc.]*

SWORN at _____
 Province of Saskatchewan,
 this _____ day of _____ 20 ____.

A COMMISSIONER FOR OATHS
 in and for Saskatchewan.
 My commission expires _____.

} _____

AND TO: REGISTRAR
 COURT OF APPEAL FOR SASKATCHEWAN
 2425 VICTORIA AVENUE
 REGINA, SASKATCHEWAN S4P 4W6
 Telephone: 306-787-5382
 Fax: 306-787-5815
 e-file: <https://ecourt.sasklawcourts.ca>

FORM K
[Rule 37]

CACR _____

THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

_____ Appellant

AND

_____ Respondent

LEGAL AID CERTIFICATE

TAKE NOTICE THAT the appeal of _____ from the decision
(name of applicant)

of the local office denying the applicant legal representation has been denied by the Saskatchewan Legal Aid Commission on the following charges:

- 1. _____
- 2. _____

DATED at _____, Saskatchewan, this ____ day of _____, 20 ____.

Saskatchewan Legal Aid Commission

TO: Appellant/Respondent

AND TO: REGISTRAR
COURT OF APPEAL FOR SASKATCHEWAN
2425 VICTORIA AVENUE
REGINA, SASKATCHEWAN S4P 4W6
Telephone: 306-787-5382
Fax: 306-787-5815
e-file: <https://ecourt.sasklawcourts.ca>

FORM L
[Rule 38]

CACR _____

THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

_____ Appellant

AND

_____ Respondent

NOTICE OF MOTION

TAKE NOTICE THAT an application will be made to the presiding judge of the Court of Appeal, sitting in chambers, at the Court House, 2425 Victoria Avenue, Regina, Saskatchewan on Wednesday the _____ day of _____, 20 _____ at 10:00 AM, or so soon thereafter as the matter may be heard, for an order that the applicant be released from custody pending the determination of this appeal pursuant to section 679 of the *Criminal Code* (Canada).

AND FURTHER TAKE NOTICE THAT the following material will be filed in support of the application:

- (a) this Notice of Motion;
- (b) the affidavit of _____ in Form M;
- (c) any other material that the applicant considers relevant to the application.

DATED at _____, Saskatchewan, this _____ day of _____, 20 _____.

Signature

TO: REGISTRAR
COURT OF APPEAL FOR SASKATCHEWAN
2425 VICTORIA AVENUE
REGINA, SASKATCHEWAN S4P 4W6
Telephone: 306-787-5382
Fax: 306-787-5815
e-file: <https://ecourt.sasklawcourts.ca>

FORM M
[Rule 38]

CACR _____

THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

_____ Appellant

AND

_____ Respondent

AFFIDAVIT IN SUPPORT

I, _____, of _____, Saskatchewan,
(name of applicant) (city or town)

hereby make oath and say as follows:

1. That I am the Appellant/Applicant on this appeal and make this Affidavit in support of my application for release from custody pending determination of the appeal pursuant to section 679 of the Criminal Code (Canada).
2. [In as many paragraphs as you need, describe all of your personal circumstances, including education, family situation, work history, etc.]

SWORN at _____
 Province of Saskatchewan,
 this _____ day of _____ 20 ____.

 A COMMISSIONER FOR OATHS
 in and for Saskatchewan.
 My commission expires _____.

} _____

TO: REGISTRAR
 COURT OF APPEAL FOR SASKATCHEWAN
 2425 VICTORIA AVENUE
 REGINA, SASKATCHEWAN S4P 4W6
 Telephone: 306-787-5382
 Fax: 306-787-5815
 e-file: <https://ecourt.sasklawcourts.ca>

FORM N
[Rule 42]

CACR _____

THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

Appellant

AND

Respondent

NOTICE OF MOTION

TAKE NOTICE THAT an application will be made to the presiding judge of the Court of Appeal, sitting in chambers, at the Court House, 2425 Victoria Avenue, Regina, Saskatchewan on Wednesday the _____ day of _____, 20 _____ at 10:00 AM, or so soon thereafter as the matter may be heard, for an order that the [*describe nature of order*] pursuant to [*indicate authority that permits application to be made*].

AND FURTHER TAKE NOTICE THAT the following material will be filed in support of the application:

- (a) this Notice of Motion;
- (b) the affidavit of _____ in Form O;
- (c) any other information as may be advised and this Honourable Court may allow.

DATED at _____, Saskatchewan, this ____ day of _____, 20 ____.

Signature

TO: REGISTRAR
COURT OF APPEAL FOR SASKATCHEWAN
2425 VICTORIA AVENUE
REGINA, SASKATCHEWAN S4P 4W6
Telephone: 306-787-5382
Fax: 306-787-5815
e-file: <https://ecourt.sasklawcourts.ca>

FORM O
[Rule 42]

CACR _____

THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

_____ Appellant

AND

_____ Respondent

AFFIDAVIT IN SUPPORT

I, _____, of _____, Saskatchewan,
(name of applicant) (city or town)

hereby make oath and say as follows:

1. That I am the Appellant/Respondent on this appeal and make this Affidavit in support of my application for *[indicate nature of the order and the authority to grant it]*.
2. *[In as many paragraphs as you need, describe all of your personal circumstances as may be relevant to the order requested.]*

SWORN at _____
Province of Saskatchewan,
this _____ day of _____ 20 _____.

_____ }
A COMMISSIONER FOR OATHS
in and for Saskatchewan.
My commission expires _____.

TO: Appellant/Respondent

AND TO: REGISTRAR
COURT OF APPEAL FOR SASKATCHEWAN
2425 VICTORIA AVENUE
REGINA, SASKATCHEWAN S4P 4W6
Telephone: 306-787-5382
Fax: 306-787-5815
e-file: <https://ecourt.sasklawcourts.ca>

Extract from
PENITENTIARY SERVICE REGULATIONS

Consolidated Regulations of Canada, 1978
Volume XIII C. 1251

Inmates Appearing as Witnesses

26 Where, pursuant to a judicial process, an inmate is required to give evidence in judicial proceedings in Canada, whether or not those proceedings are being conducted in the same territorial division as that in which the inmate is confined, the institutional head shall make available the inmate concerned for that purpose if the party to the proceedings that requires the inmate:

- (a) pays to the institutional head the cost of transportation, maintenance and custody for the inmate while he is absent from the institution pursuant to the process; or
- (b) where the inmate is required by the Crown, undertakes to provide or to pay the cost of transportation, maintenance and custody for the inmate while he is so absent.