

## **APPEALING A TRAFFIC CONVICTION TO THE COURT OF KING'S BENCH**

This guide is intended to provide legal information about how to appeal your traffic ticket. It is not a substitute for professional legal advice, such as whether and what type of application to make. It also does not bind the Courts. This guide will provide you with a general overview of the appeal process and the forms required. For more specific information about appeals, as well as information about legal options and strategies, you may wish to consult with a lawyer.

### **APPEAL PROCESS**

Certain decisions of a Provincial Court Judge or Justice of the Peace of Traffic Safety Court may be appealed to the Court of King's Bench in accordance with *The Summary Offences Procedures Act, 1990* (SOPA) and the Court's Summary Conviction Appeal Rules.

The following decisions of a Provincial Court Judge or Justice of the Peace of Traffic Safety Court may be appealed to the Court of King's Bench: [link to list of Court locations: [COURT LOCATIONS & SITTING TIMES | Saskatchewan Courts \(sasklawcourts.ca\)](https://sasklawcourts.ca/court-locations)]

- The decision rendered after a trial to convict;
- The sentence imposed following a conviction; or
- The decision to dismiss an application brought pursuant to section 15.1 or 23 of SOPA to set aside a default conviction entered without a trial.

### **Note about Court of King's Bench Jurisdiction on Appeals:**

The Saskatchewan Court of Appeal in *R v Kimery*, 2010 SKCA 153 has held that the Court of Queen's Bench (now King's Bench) **does not** have jurisdiction to entertain an appeal from a default conviction rendered without a trial where the accused failed to appear in Traffic Safety Court on the scheduled date. SOPA creates a special regime for default convictions that operates as an exception to the general rights of appeal and appeal procedures under the *Criminal Code*.

A default conviction is a conviction entered without a trial in the absence of the accused pursuant to section 15 or 22 or SOPA. Pursuant to section 15.1 for a Summons Ticket or section 23 for an Offence Notice Ticket, an offender may apply in Provincial Court for a hearing to set aside a default conviction within 60 days from the date the default conviction was recorded. If it has been more than 60 days, there is a process to request to extend the time to apply for a reconsideration hearing. Applying to set aside a default conviction or extend the time to apply forms can be found here: <https://sasklawcourts.ca/provincial-court/traffic-court/>. Questions should be directed to the appropriate Provincial Court or Traffic Safety Court office.

### **In order to appeal you must:**

- **within 30 days** of the date of sentencing, or within 30 days of the decision to not set aside the default conviction, complete and file with the Local Registrar at the Court of King's Bench a Notice of Appeal in the form attached [[Form 1](#) – Pages 5 to 7 inclusive of this guide) at the courthouse closest to the location of the Provincial Traffic Safety Court that made the decision being appealed; AND
- **within 14 days** of filing your appeal, file proof that you have ordered from Transcript Services a written transcript of the:
  - trial (if you are appealing the conviction);
  - sentence hearing (if you are appealing the sentence); or
  - hearing of the application to set aside the default conviction.

### **Note about counting days:**

In counting 30 days, the count commences on the day after the judgment being appealed is dated and ends at 4:00 p.m. on the 30<sup>th</sup> day. In other words, the first day is excluded and the last day is included in the count. Weekends and holidays are included within the 30 day count. However, if the 30<sup>th</sup> day falls on a Sunday or other day when the Local Registrar's office is closed, the time to file the appeal is extended to the next day when the Local Registrar's office is open.

There is no filing fee for commencing an appeal, but there will be a fee for obtaining a transcript of the proceedings in the Summary Conviction Court (see below [Question 1](#)).

*Below are step by step instructions for commencing and completing your appeal. These steps must be completed within the time described below.*

#### **Step 1:**

Complete the Notice of Appeal ([Form 1](#), see Pages 5 through 7 inclusive of this guide).

#### **Step 2:**

File with the Court of King's Bench at the King's Bench courthouse nearest to the place where the proceeding was held the completed [Notice of Appeal](#). The Local Registrar will serve your Notice of Appeal on the prosecutor for you. ***Please make sure you keep a copy for your records.***

#### **Step 3:**

Order a transcript of the proceedings in the Summary Conviction/Traffic Safety Court and provide proof to the Local Registrar that you have done so within 14 days of filing your Notice of Appeal ([Transcript Order Form](#) – see Pages 8 to 10 of this guide).

Where there was no trial because you entered a guilty plea and your appeal is only of the sentence imposed, there will be no charge by Transcript Services for transcription of the sentencing hearing.

#### **Step 4:**

You must provide proof to the Local Registrar that you have ordered a transcript of the proceedings. Transcript Services will provide you with an e-mail confirmation once your deposit is paid. Transcript Services will not commence the transcript until your deposit is paid. You will file the confirmation e-mail sent to you by Transcript Services with the Local Registrar.

#### **Step 5:**

Transcript Services will prepare two copies of the transcript. One will be provided to you and one will be provided to the Court. You must serve a copy of the transcript on the prosecutor within 10 days after you receive your copy of the transcript from Transcript Services. The Local Registrar does not serve a copy of the transcript on the prosecutor for you. Transcript Services will file a copy of the transcript for the Court with the Local Registrar for you.

The best way to serve the prosecutor is by delivering a copy of the transcript personally. You will have to prove that you have served a copy of the transcript on the prosecutor by way of [Acknowledgement of Service](#) – see Pages 11 and 12 (the prosecutor will complete the Acknowledgement upon service) or you can complete an [Affidavit of Service](#) – see Pages 13 and 14. If you have chosen an Affidavit of Service, you may swear the Affidavit of Service in front of the staff member at the Local Registrar's office. ***Please make sure to keep a copy for your records.***

A list of the Prosecution Regional Offices and their location can be found on the Saskatchewan Government website at the following webpage address: <https://www.saskatchewan.ca/government/directory?ou=ef856174-c1b5-4503-adb2-080a64884fde>.

#### Step 6:

Once the Local Registrar's office receives a copy of the transcript of the proceedings from Transcript Services, the Local Registrar will set a date, time, and place for the hearing of the appeal. You and the prosecutor will receive notice of the date, time, and place. The Local Registrar will mail the notice to you at the address you provided on the [Notice of Appeal](#). If you move, it is your responsibility to notify the Local Registrar's office of your new address.

#### Step 7:

You must complete an Appellant's Memorandum of Argument (see [Form 3](#) – Pages 15 to 16 inclusive of this guide). **You must serve and file the Appellant's Memorandum of Argument at least 30 days prior to the date set for the hearing of the appeal.** You will have to serve the prosecutor with your Memorandum of Argument yourself. The best way to do this is by delivering your Memorandum of Argument personally to the prosecutor's office. You will have to prove that you have served your Memorandum of Argument on the prosecutor when you file your Memorandum of Argument with the Local Registrar. To prove that you have served a copy of the Memorandum of Argument on the prosecutor; by way of [Acknowledgement of Service](#) – see Pages 11 and 12 (the prosecutor will complete the Acknowledgement upon service) or you can complete an [Affidavit of Service](#) – see Pages 13 and 14. If you have chosen an Affidavit of Service, you may swear an Affidavit of Service in front of the staff member at the Local Registrar's office. **Please make sure to keep a copy for your records.**

#### Step 8:

The prosecutor must serve and file the Respondent's Memorandum of Argument at least 15 days before the date set for the hearing of the appeal. The prosecutor will have to serve you with the Memorandum of Argument and will have to prove that they have done so.

#### Step 9:

You may appear in Court at the date, time, and place provided to you by the Local Registrar (refer to [Step 6](#)) and explain why you believe that the decision of the Summary Conviction Court (Court that first dealt with your traffic ticket) was legally incorrect and should be overturned or changed. Because you will have already included this information in your [Notice of Appeal](#) and your [Appellant's Memorandum of Argument](#), you should bring copies of those documents with you so you can refer to them. If you wish, you may choose to simply rely upon your Notice of Appeal and Appellant's Memorandum of Argument instead of making an oral presentation to the Appeal Court – you should indicate that this is how you wish to proceed in your Notice of Appeal.

The Appeal Court judge may decide your appeal right after you and the prosecutor make your submissions on the date when your appeal is heard; or the Appeal Court judge may reserve their decision and have the Local Registrar send it to you and the prosecutor at a later date. The Local Registrar will mail the decision to you at the address you provided on your Notice of Appeal. If you move, it is your responsibility to notify the Local Registrar of your new address.

## Frequently Asked Questions

### Question 1: Is there a fee for ordering a transcript?

You are responsible for the cost of typing the transcript of the proceedings in the Summary Conviction Court. After you deliver the [Transcript Order Form](#), Transcript Services will advise you of the estimated cost of typing the transcript. You must deposit this amount with Transcript Services prior to the transcript being prepared. For appeal purposes the cost of transcription is estimated at \$175.00 per hour. One hour of court time is approximately 50 pages of transcript.

**Note:** If you are appealing a guilty plea and/or sentence only, where there was no trial, there is no charge for transcription.

### Question 2: How do I file my documents with the Court of King's Bench?

The Court of King's Bench does not accept documents by e-mail. You may attend the courthouse registry office in person, or courier or fax the documents to the appropriate courthouse.

### Question 3: What happens if I file a Notice of Appeal and then do not take the other steps described above?

You must pursue your appeal diligently. If you do not, either the prosecutor or the Local Registrar can ask the Appeal Court whether your appeal should be dismissed and/or the Appeal Court could dismiss your appeal.

### Question 4: What if I File a Notice of Appeal but then change my mind and decide I do not want to appeal anymore?

You can abandon your appeal by filing a Notice of Abandonment (see [Form 5 – Notice of Abandonment](#) – Pages 17 to 18 inclusive of this guide).

### Question 5: Where do all of these rules and forms come from?

The rules and forms referred to in this document come from the Court of King's Bench for Saskatchewan Summary Conviction Appeal Rules in the King's Bench Criminal Proceedings document, which forms part of the *King's Bench Rules*. You can see a copy of *The King's Bench Rules* at any courthouse library, many public libraries, any Local Registrar's office and/or at <https://sasklawcourts.ca/kings-bench/rules-practice-directives/>.

### Question 6: How can I apply to the Court to extend the time for appeal, if it is outside the 30 days?

The application may be made by [Application without Notice](#); however, the Court may direct that the application be made with notice to the opposing side by a Notice of Application. If needed, the Local Registrar can provide you with a guide for making an application to the Court by Notice of Application.

An Application without Notice to extend the time for appeal may be made by completing and filing:

- [Form 6-4](#) attached to this guide at Pages 20 to 21 inclusive.
- Sworn [Affidavit of Applicant](#) attached to this guide at Pages 22 and 23.

The purpose of this application is **not** to determine if you would or would not be successful in your appeal. The purpose of this application is to determine whether the time for appeal should be extended because you did not receive notice of the decision or order.

**FORM 1**  
**(NOTICE OF APPEAL BY DEFENDANT)**

COURT FILE NUMBER \_\_\_\_\_  
COURT OF KING'S BENCH FOR SASKATCHEWAN  
JUDICIAL CENTRE \_\_\_\_\_  
APPELLANT \_\_\_\_\_  
RESPONDENT HIS MAJESTY THE KING

**NOTICE OF APPEAL**

THE 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, e-mail 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 \_\_\_\_\_

**CONTACT INFORMATION AND ADDRESS FOR SERVICE**

**If prepared by a lawyer for the party:**

Name of firm: \_\_\_\_\_

Name of lawyer in charge of file: \_\_\_\_\_

Address of legal firm: \_\_\_\_\_  

(set out the street address)

Telephone number: \_\_\_\_\_

Fax number (if any): \_\_\_\_\_

E-mail address: \_\_\_\_\_

or

**If the party is self-represented:**

Name of party: \_\_\_\_\_

Address for service: \_\_\_\_\_  

(set out the street address)

Telephone number: \_\_\_\_\_

Fax number (if any): \_\_\_\_\_

E-mail address: \_\_\_\_\_



## TRANSCRIPT ORDER FORM

Name of Accused/Parties Involved: \_\_\_\_\_

(include D.O.B) \_\_\_\_\_

Type of proceeding and Court File #: \_\_\_\_\_

**EXAMPLE:** Preliminary hearing, Show cause hearing or Trial ...etc...

Appearance date(s): \_\_\_\_\_

Location of appearance(s): \_\_\_\_\_

Level of court of where the proceeding was held: \_\_\_\_\_ (e.g.) Provincial or King's Bench Court

Reason for Transcript Request:

*(check one of the following)*

- ☐ Appeal Purposes  
☐ Educational Purpose ( specify purpose) \_\_\_\_\_  
☐ Other (Must specify) \_\_\_\_\_

To be heard in:

- ☐ Court of Appeal  
☐ Court of King's Bench  
☐ Other (must specify) \_\_\_\_\_

How would you like to receive this transcript?

Hard copy ☐ and how many \_\_\_\_\_.

Electronic copy ☐

If expedited, specify when the transcript is required by? \_\_\_\_\_

Will this transcript be published or shared/distributed on any social media platform? \_\_\_\_\_. If so, where?  
(Please specify site or location) \_\_\_\_\_.

Requested by: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Prov: \_\_\_\_\_

Postal Code : \_\_\_\_\_

Téléphone # : \_\_\_\_\_ E-mail : \_\_\_\_\_

**Send this form to:**

**Ministry of Justice, Transcript Services**

**310-1855 Victoria Avenue, Regina SK S4P 3T2**

**General inquiry line: (306) 787- 8406 or (306) 787- 4210**

**Fax: (306) 798-1388**

**E-mail to: [transcript.services@gov.sk.ca](mailto:transcript.services@gov.sk.ca)**





▪The transcript is a verbatim record of the proceedings held in Court. Every matter that is heard in court is not transcribed. We transcribe only those matters which are requested in writing and with permission of the courts

▪Transcript Services coordinates the preparation of transcripts of court proceedings.

▪If a proceeding has been previously transcribed, the requester will be provided a copy of the completed transcript at a cost of \$0.50 per page plus GST.

▪If the proceeding has not been previously transcribed, the completed form will be forwarded to the relevant court office for consideration. If the Court authorizes that the transcript can be prepared, the court office forwards the audio recording to Transcript Services.

▪Transcript Services will estimate the length and cost of the transcript depending on the length of the audio recording forwarded by the court office. The party submitting the request must deposit funds sufficient to cover the cost of transcription. The matter will not be transcribed until a deposit is received. **Note:** you may not be required to submit a deposit if the request is made through your lawyer.

▪The cost to transcribe a court proceeding is set out in the Kings Bench Regulations. The cost of transcript preparation is \$4.00 per page ( 6 to 8 week turn around). Transcripts may be requested to be expedited at a cost of \$8.25 per page (10-19 business days) or \$9.50 per page (5-9 business days). All costs are subject to GST. The time to prepare a transcript is calculated from the time the third party contractor receives the audio, not from when the order form is submitted. **Requests for expedited transcripts are at the discretion of Transcript Services, depending on the length and type of the court proceeding.**

▪You are not bound by that request for deposit. Should you determine that you no longer require the transcript, please contact our office as soon as possible so we may close our file. It is your responsibility to submit your deposit in a timely manner.

▪If you are a party to a criminal appeal and you require a court transcript so that your appeal can proceed, please contact the court where your appeal is set to be heard to determine whether you need to order a copy of the transcript or pay for it to be transcribed.

▪If you do not require a transcript of the court matter but would like to have a copy of the audio from a proceeding, you must apply to the Court to determine if you can have a copy of the audio. Your application must be made at the court location where the matter was heard. In the event your application is successful, the Court will provide directions on how the audio can be accessed.

**NOTE:**

It is the requesters responsibility to ensure the information provided on the order form is complete and accurate.

\* If the order form is incomplete, it will **not** be accepted and will be sent back to you to be completed fully.

\* Please review your order form carefully and follow the instructions of where to submit your order form.



**Terms and Conditions for publication:**

▪ You acknowledge that the Government of Saskatchewan (as represented by the Ministry of Justice, Transcript Services) is the owner of the copyright of the transcripts provided pursuant to this request. We grant you a single-copy, single-purpose license to use the transcript copy provided for the purposes indicated in the original request form. You are not granted any permission to duplicate or copy the transcript volumes or copies provided pursuant to this order, or to distribute same, beyond the fair use of extracts from the transcript for the purposes indicated in the original request form. You are only granted permission to duplicate, copy or distribute complete copies of the transcript if we provide explicit written permission for you to do so.

▪ Costs and liabilities have been consented to by agreeing to these terms and conditions.

▪ We hold the right to deny the release of a transcript if we consider the information will be misused, the information is considered sensitive or highly classified. Courts also have the right to deny transcription of a court proceeding.

▪ We do not support the unethical use of this material. Misuse or wrongful distribution of this material may result in the cancellation of the copyright license granted.

▪ Any use of extracts from the transcripts provided must be properly attributed or acknowledged in footnotes, source references etc. in the normal format for the medium in which the extract is used. Please use the following format:

**“Copyright © 2024, Transcript Services, Government of Saskatchewan”**

▪ If any work in which extracts of the transcript are used or published, Transcript Services must be provided with a notice of the publication via email to our general inbox. (**transcript.services@gov.sk.ca**)

▪ Failure to comply with the copyright license, terms of use outlined, or the unlicensed use may result in civil or criminal liability.

▪ Any breach of the agreement would result in the annulment of copyright under the Copyright Act of Canada.

☐

**I have read and accepted the terms and conditions.**

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE \_\_\_\_\_

APPELLANT \_\_\_\_\_

RESPONDENT HIS MAJESTY THE KING

## ACKNOWLEDGMENT OF SERVICE

You are asked to fill out and sign this form. If you do not return this signed and completed Acknowledgement of Service without delay, you may not receive notice of any further proceedings or any documents may be personally served on you and you will be required to pay the costs of service.

I ACKNOWLEDGE SERVICE on me of a copy of the following document(s): *(list document(s) being served)*

[illegible]

Signature of Prosecutor

Date of Service

The prosecutor's name is: *(to be completed by prosecutor)*

---

The prosecutor's address for service is: *(to be completed by prosecutor)*

---

The prosecutor's telephone number is: *(to be completed by prosecutor)*

---

The prosecutor's fax number is: *(to be completed by prosecutor)*

---

The prosecutor's e-mail address is: *(to be completed by prosecutor)*

---

**NOTICE:**

- 1. YOU MUST INCLUDE AN ADDRESS IN SASKATCHEWAN WHERE DOCUMENTS MAY BE MAILED TO OR LEFT FOR YOU IF YOU WISH TO RECEIVE NOTICE OF SUBSEQUENT PROCEEDINGS IN THIS MATTER.
- 2. It is optional to include your fax number and e-mail address. If you include your fax number or e-mail address, documents may be served on you by fax or e-mail.
- 3. The address, fax number or e-mail address that you give on this form will be used to serve you with documents until you serve on the other parties and file with the Court written notice of a new address for service.

**CONTACT INFORMATION AND ADDRESS FOR SERVICE**

**If prepared by a lawyer for the party:**

Name of firm:

Name of lawyer in charge of file:

Address of legal firm:

(set out the street address)

Telephone number:

Fax number (if any):

E-mail address:

or

**If the party is self-represented:**

Name of party:

Address for service:

(set out the street address)

Telephone number:

Fax number (if any):

E-mail address:

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING’S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE \_\_\_\_\_

APPELLANT \_\_\_\_\_

RESPONDENT HIS MAJESTY THE KING

# AFFIDAVIT OF PERSONAL SERVICE

I, \_\_\_\_\_ of \_\_\_\_\_,  
(name) (address)

Make Oath and Say:

1. On \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock,  
I personally served the prosecutor \_\_\_\_\_ with a true  
copy of the \_\_\_\_\_  
attached as Exhibit "A", by leaving a copy with the prosecutor at \_\_\_\_\_  
\_\_\_\_\_. [address].
2. The prosecutor's postal address for service is \_\_\_\_\_  
\_\_\_\_\_. Postal Code \_\_\_\_\_.
3. I was able to identify the prosecutor by means of \_\_\_\_\_  
\_\_\_\_\_. [state  
how you knew if was the prosecutor you were serving]

SWORN (OF AFFIRMED) BEFORE ME  
at \_\_\_\_\_, Saskatchewan  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

A Commissioner for Oaths for Saskatchewan  
being a solicitor, or  
My appointment expires \_\_\_\_\_

(Signature)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

If prepared by a lawyer for the party:

Name of firm: \_\_\_\_\_

Name of lawyer in charge of file: \_\_\_\_\_

Address of legal firm: \_\_\_\_\_  

(set out the street address)

Telephone number: \_\_\_\_\_

Fax number (if any): \_\_\_\_\_

E-mail address: \_\_\_\_\_

or

If the party is self-represented:

Name of party: \_\_\_\_\_

Address for service: \_\_\_\_\_  

(set out the street address)

Telephone number: \_\_\_\_\_

Fax number (if any): \_\_\_\_\_

E-mail address: \_\_\_\_\_

FORM 3

COURT FILE NUMBER \_\_\_\_\_  
COURT OF KING'S BENCH FOR SASKATCHEWAN  
JUDICIAL CENTRE \_\_\_\_\_  
APPELLANT \_\_\_\_\_  
RESPONDENT HIS MAJESTY THE KING

APPELLANT’S MEMORANDUM OF ARGUMENT

1. **Facts:** *(concisely state the facts that the Appellant will argue in the Appeal)*  
*(insert more pages numbered 1a, 1b, 1c, etc. if necessary)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. **Law:** *(concisely state the law that the Appellant will argue in the Appeal)*  
*(insert more pages numbered 2a, 2b, 2c, etc. if necessary)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. **Evidence:** *(state the page number and line numbers from the transcript relating to the evidence that is relevant to the facts and the law the Appellant will argue in the Appeal)*  
*(insert more pages numbered 3a, 3b, 3c, etc. if necessary)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. **Authorities:** *(list the statutory provisions and/or cases the Appellant will rely on in the Appeal)*  
*(insert more pages numbered 4a, 4b, 4c, etc. if necessary)*

5. **Relief:** *(state the relief the Appellant is seeking in the Appeal)*

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,

**CONTACT INFORMATION AND ADDRESS FOR SERVICE**

**If prepared by a lawyer for the party:**

Name of firm:

Name of lawyer in charge of file:

Address of legal firm:

*(set out the street address)*

Telephone number:

Fax number *(if any)*:

E-mail address:

*or*

**If the party is self-represented:**

Name of party:

Address for service:

*(set out the street address)*

Telephone number:

Fax number *(if any)*:

E-mail address:



FORM 5

COURT FILE NUMBER \_\_\_\_\_  
COURT OF KING'S BENCH FOR SASKATCHEWAN  
JUDICIAL CENTRE \_\_\_\_\_  
APPELLANT \_\_\_\_\_  
RESPONDENT HIS MAJESTY THE KING

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 \_\_\_\_\_

CONTACT INFORMATION AND ADDRESS FOR SERVICE

If prepared by a lawyer for the party:

Name of firm:

Name of lawyer in charge of file:

Address of legal firm:

(set out the street address)

Telephone number:

Fax number (if any):

E-mail address:

or

If the party is self-represented:

Name of party:

Address for service:

(set out the street address)

Telephone number:

Fax number (if any):

E-mail address:

## AFFIDAVIT OF EXECUTION

I, \_\_\_\_\_, of \_\_\_\_\_,  
in the Province of Saskatchewan, 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 Saskatchewan and that I am subscribing witness to it;
3. That I know the said \_\_\_\_\_  
and they are in my belief eighteen years of age or more.

SWORN (OF AFFIRMED) BEFORE ME  
at \_\_\_\_\_, Saskatchewan  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
A Commissioner for Oaths for Saskatchewan  
being a solicitor, or  
My appointment expires \_\_\_\_\_

\_\_\_\_\_  
(Signature)

FORM 6-4  
(Rule 6-4)

COURT FILE NUMBER \_\_\_\_\_  
COURT OF KING’S BENCH FOR SASKATCHEWAN  
JUDICIAL CENTRE \_\_\_\_\_  
APPELLANT \_\_\_\_\_  
RESPONDENT HIS MAJESTY THE KING

APPLICATION MADE WITHOUT NOTICE TO EXTEND TIME FOR APPEAL

This application is being made without notice.

Provision authorizing the application to be made without notice:

- 1. Subsection 4(4) of *The Summary Offence Procedures Act, 1990*.

Remedy claimed or sought:

- 2. An order extending the time for appeal of an appeal brought pursuant to section 4 of *The Summary Offences Procedure Act, 1990*.

Respecting opposite parties (mark applicable boxes):

none of the opposite sides parties is, to my knowledge, represented by a lawyer;

the name(s) of the lawyer(s) representing the opposite party(ies) is (are):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicable Acts and Regulations:

- 3. *The Summary Offences Procedures Act, 1990*

Applicable rules:

- 4. Rule 6-4 of the Rules of the Court of King’s Bench.  
Rule 22, Summary Conviction Appeals Rules, of the Court of King’s Bench

Applicable cases relied on (provide citations and designate the relevant passages):

- 5. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(signature)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

If prepared by a lawyer for the party:

Name of firm:

Name of lawyer in charge of file:

Address of legal firm: 

(set out the street address)

Telephone number:

Fax number (if any):

E-mail address:

or

If the party is self-represented:

Name of party:

Address for service: 

(set out the street address)

Telephone number:

Fax number (if any):

E-mail address:

COURT FILE NUMBER \_\_\_\_\_  
COURT OF KING'S BENCH FOR SASKATCHEWAN  
JUDICIAL CENTRE \_\_\_\_\_  
APPELLANT \_\_\_\_\_  
RESPONDENT HIS MAJESTY THE KING

AFFIDAVIT

AFFIDAVIT OF \_\_\_\_\_  
*(name of deponent)*

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_,  
*(full name)* *(city, town, village, etc.)*

Saskatchewan, (if the deponent is a party or the lawyer, officer, director, member or employee of a party, set out the deponents capacity), MAKE OATH AND SAY (or AFFIRM):  
*(Set out the statements of fact in consecutively numbered paragraphs, with each paragraph being confirmed as far as possible to a particular statement of fact.)*

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

SWORN (OF AFFIRMED) BEFORE ME  
at \_\_\_\_\_, Saskatchewan  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
A Commissioner for Oaths for Saskatchewan  
being a solicitor, or  
My appointment expires \_\_\_\_\_

\_\_\_\_\_  
*(Signature)*

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