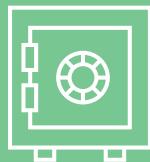


A step-by-step guide to the
criminal appeal process in BC



BC



Includes all
the forms
you need

Legal Aid BC



February 2019

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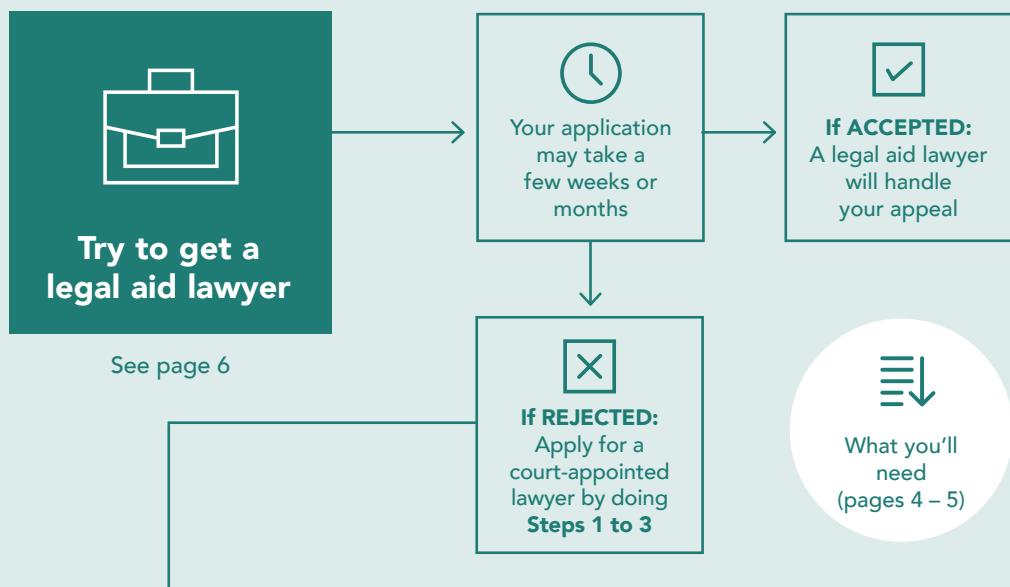
How to Appeal Your Sentence is published by Legal Aid BC (LABC), a non-profit organization that provides legal aid to British Columbians. LABC is separate from the provincial government, its primary funder. It also receives grants from the Law Foundation and the Notary Foundation (of BC).

This booklet explains the law in general. It isn't intended to give you legal advice on your particular problem. Because each person's case is different, you may need to get legal help. The information in this booklet is up to date as of February 2019.

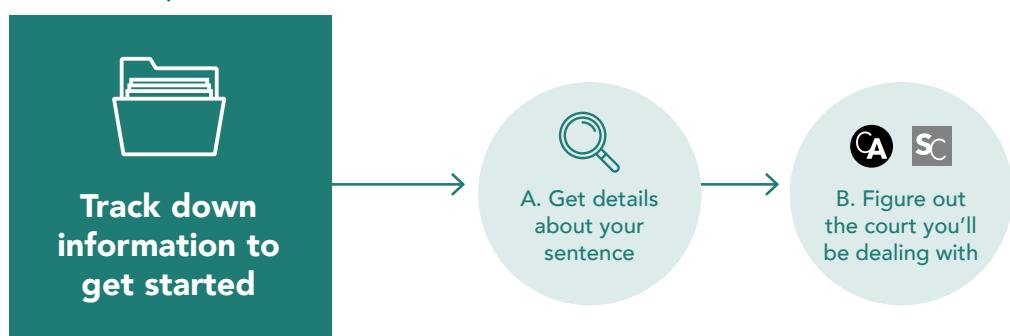
How to appeal your SENTENCE



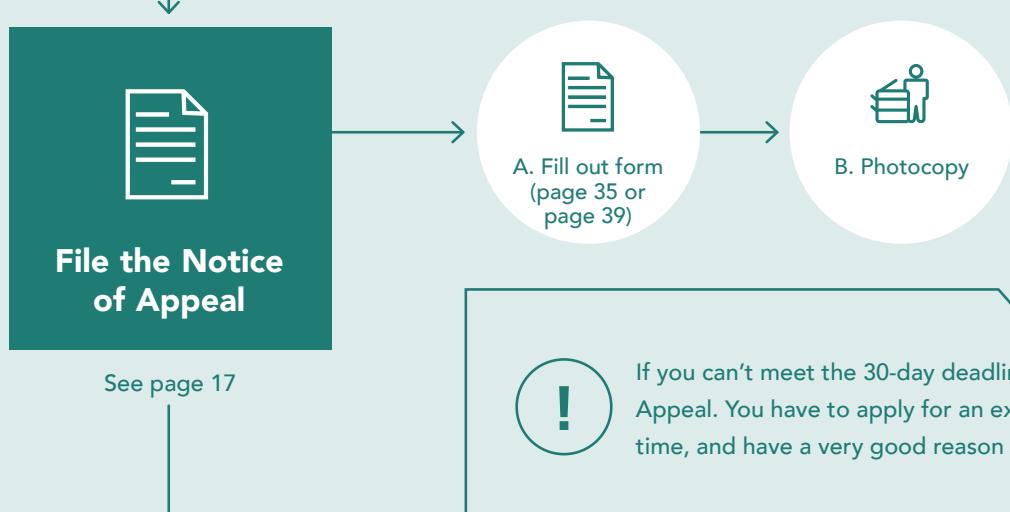
Start



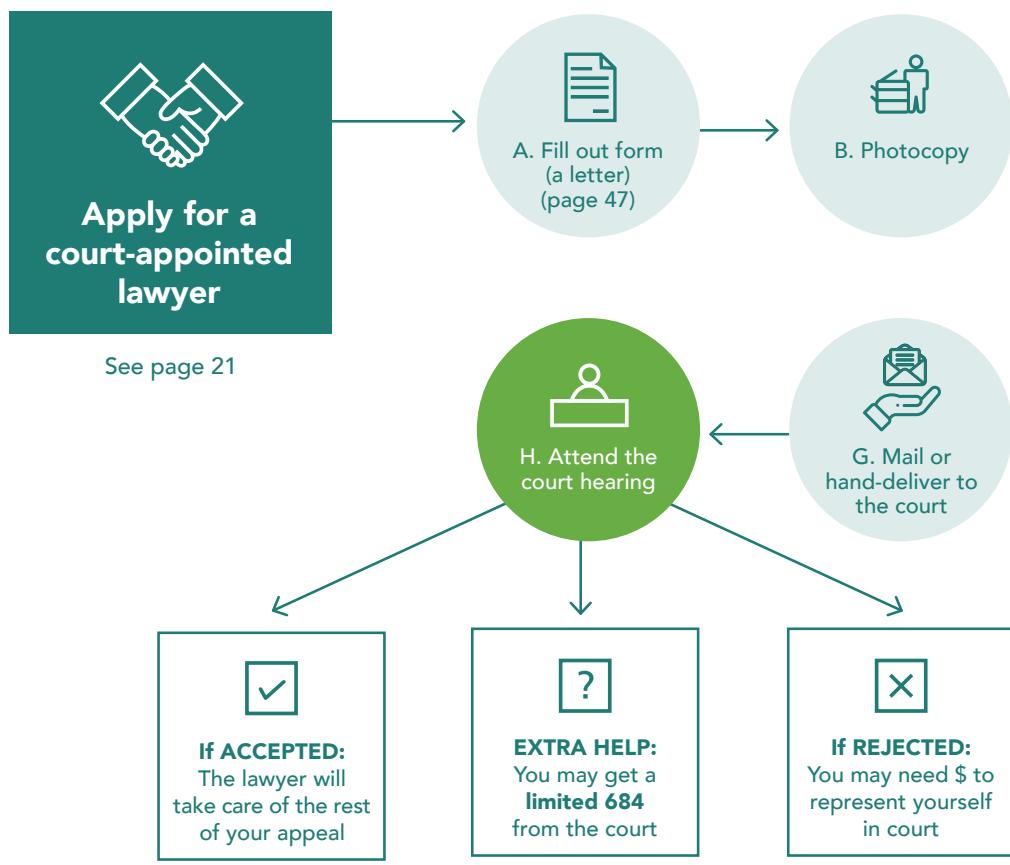
Step 1



Step 2



Step 3



Are you Aboriginal?
(page 12)



In custody?
Access to resources will be tricky.
Don't give up!
(page 4)



Some things to know
(pages 7 – 9)

CA Court of Appeal for BC

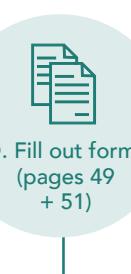
SC Supreme Court of BC



YOU HAVE ONLY 30 DAYS from the day you were sentenced



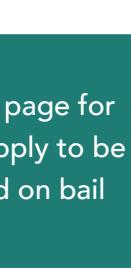
CONTACT Legal Aid BC to ask for an AFFIDAVIT if they made you late



D. Fill out forms (pages 49 + 51)

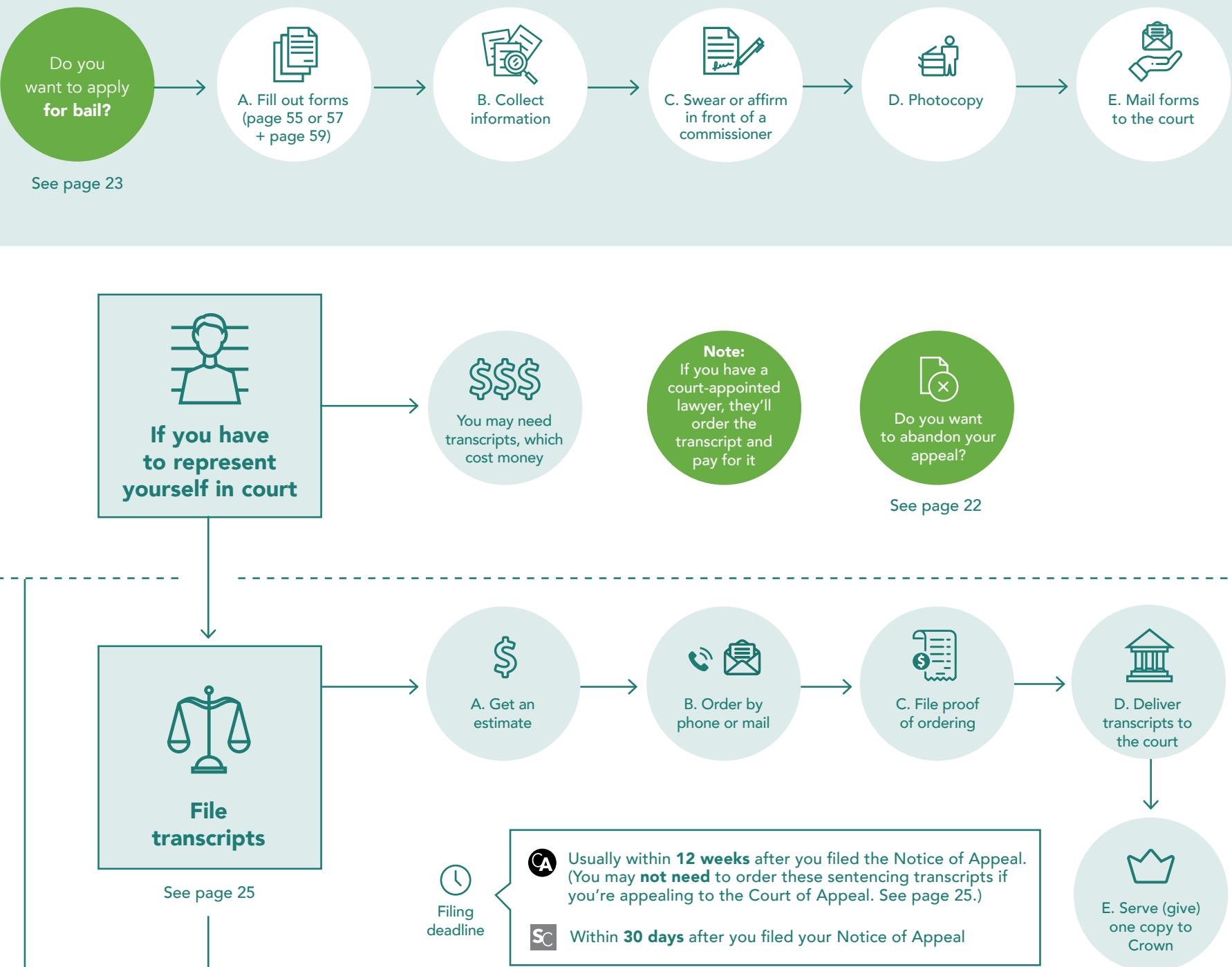


E. Swear or affirm in front of a commissioner



Turn the page for how to apply to be released on bail

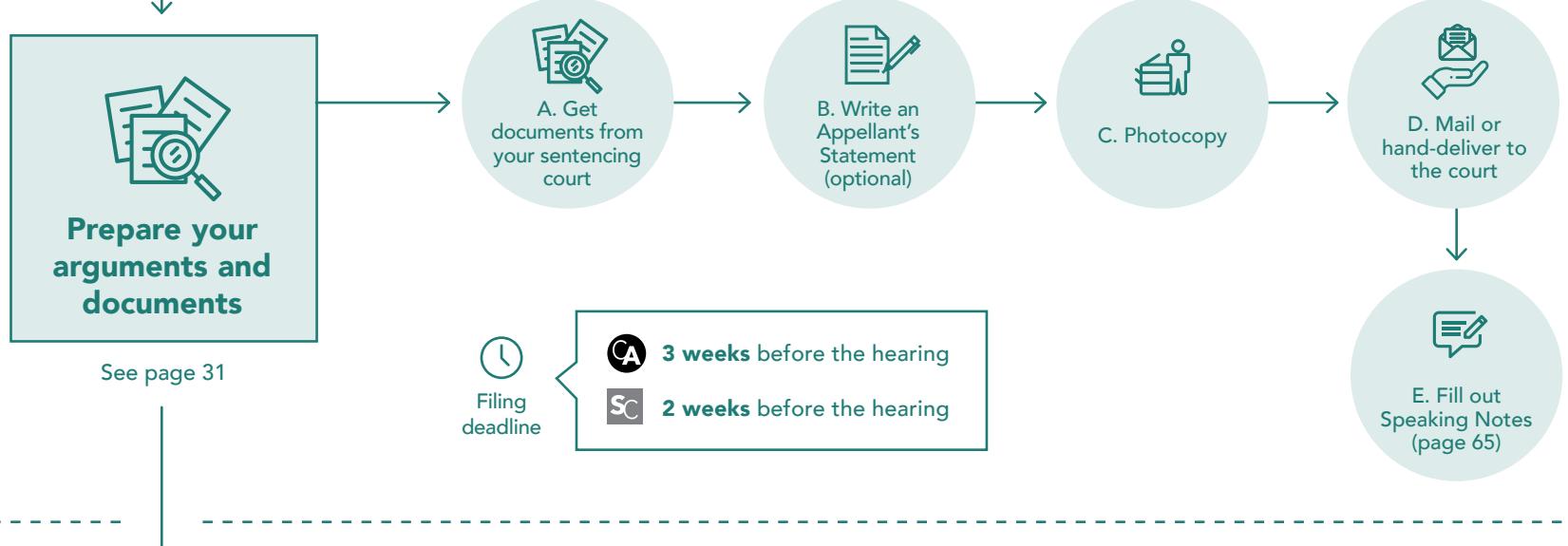
Step 4



Step 5



Step 6



Step 7



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List of forms



Court of Appeal for BC



Supreme Court of BC

Notice of Appeal (Step 2)	CA Notice of Appeal or Application for Leave to Appeal (page 35) SC Notice of Appeal — Defence Appeals Against Conviction, Sentence or Other Order (page 39)
Extension (Step 2)	1 Notice of Application for Extension of Time to Appeal (page 41) 2 Affidavit in Support of Application for Extension of Time to Appeal (page 43)
Court-Appointed Lawyer (Step 3)	1 Letter of Authority (page 47) 2 Notice of Motion/Application for Appointment of Counsel (page 49) 3 Affidavit for Appointment of Counsel (page 51)
Bail	1 CA Notice of Application for Release from Custody Pending Determination of Appeal (page 55) SC Notice of Application for Release from Custody Pending Determination of Appeal or Stay of Probation Order or Driving Prohibition (page 57) 2 Affidavit in Support of Application for Release from Custody Pending Determination of Appeal (page 59)
Preparing for Your Hearing (Step 6)	1 Appellant's Statement (the cover page) (page 63) 2 Speaking Notes (page 65)
Abandoning Your Appeal	Notice of Abandonment of Appeal (page 67)



Need extra forms?

Call Legal Aid BC for a free extra copy of this booklet. (See page 6.)



If you pleaded guilty to committing an offence or the court found you guilty, the court will then sentence (penalize) you. If you think the sentence is clearly too harsh or didn't follow the law, you have the right to ask another court to review the decision. This is called **appealing a sentence**. (Some of the phrases you'll hear in this booklet are *your appeal*, *a Notice of Appeal*, *appeal hearing*, *appeal period*. If you choose to make an appeal, you're the *appellant*.)

There are different levels of courts, so you ask a *higher* court to go over a *lower* court's decision. It can take a lot of legal know-how to convince a higher court that the lower court made an error in how they decided the sentence.

This booklet shows you how to appeal the sentence for a criminal offence:

- We start by going over how to apply for legal help.
- **Steps 1 to 3** tell you how to start the appeal process on your own and apply for a court-appointed lawyer.
- If you couldn't get a lawyer, **Steps 4 to 7** explain how to **represent** yourself (be your own lawyer) in court.

All the forms you need are in this booklet. There are forms in colour that say "Your draft" along the right side; use these to practise filling out the forms. After the draft is the actual form you can tear out and use.

In this booklet, words that you might not know are **bold**. These words are defined or explained, usually within the same sentence or paragraph. There is also a list of definitions on page 69.



Are you also appealing your conviction?

The booklet *How to Appeal Your Conviction* may help. Ask for this free publication from Legal Aid BC when you contact them, and they'll mail it to you. (If you're not in custody, you can also read the booklet online at legalaid.bc.ca/read.)



In custody? What you'll need

You'll have to make a special request for some of the following. Some may take several days. Ask a staff member, your parole officer, or someone on your case-management team.



Stamps and envelopes



Pen. Do not use a pencil to fill out the forms.



Access to a photocopier:

- When you ask for permission, mention that it's for your legal documents. If photocopying time simply isn't possible, you'll have to send your forms to the court without copies. They'll see that you're mailing from an institution, so chances are good that they'll accept your forms and not charge you a copying fee.



Information about your conviction and sentence:

- Look at a court document called the **Warrant of Committal** (see page 13). If you don't have it, you can ask for it.



Phone time:

- It's possible to do most of the steps by mail, but you may want to phone instead, to quickly get information or extra help. You may want to call Legal Aid BC, the court where you were sentenced, the appeal court (quick questions only), and the court transcription company. You have to get permission from your institution for some numbers.



An appointment with a commissioner for oaths:

- This is needed for swearing or affirming an affidavit (see page 19). You'll have to ask for an Inmate Request Form from a staff member, your parole officer, or someone on your case-management team. See page 19 for other options.



If you're refused a court-appointed lawyer, you have to do Steps 4 to 7. You'll need:

- Money to order a court transcript of the sentencing, although not everyone has to order them
- Visits to a library to do legal research
- Blank paper, to write out the Appellant's Statement (Step 6). This step is optional, but we encourage it.
- A way to deliver court transcripts, if the court needs them. You need someone to take them to the court registry to file them (get them stamped) and then deliver a stamped copy to the Crown lawyer. They're sometimes too large, heavy, and expensive to mail.

Not in custody? What you'll need



Stamps and envelopes. You can also take your forms to the court and to the Crown lawyer in person.



Access to a photocopier:

- Call a few places that offer photocopy services and ask for the price per page. This can vary quite a bit.



Information about your conviction and sentence:

- Look at the court papers you've received. This could be the **Warrant of Committal** (if you spent time in custody), **Conditional Sentence Order**, **Probation Order**, or **Conditional Discharge Order**.
- If you lost these papers, contact the court where you were sentenced and ask for a copy. Supreme Court registries are listed on page 16. Provincial court registries are listed at the back on page 73. They may charge you a small fee.



An appointment with a commissioner for oaths:

- This is needed for swearing or affirming an affidavit. Page 19 explains what this is and how to find one.



If you're refused a court-appointed lawyer, you have to do Steps 4 to 7. You'll need:

- Money to order a court transcript of the sentencing, although not everyone has to order them
- Visits to a library and/or access to the Internet to do legal research
- Access to a computer and printer to prepare an Appellant's Statement (Step 6). Many libraries have computers, but printing isn't free. This step is optional, but we encourage it.
- A way to deliver court transcripts, if the court needs them. You or someone you know needs to take them to the court registry to file them (get them stamped) and then deliver a stamped copy to the Crown lawyer. They're sometimes too large, heavy, and expensive to mail.



Before Step 1: Try to get a legal aid lawyer

Before you try to do Step 1, apply for a legal aid lawyer through **Legal Aid BC**.

They provide free legal services to people with low incomes, although not everyone qualifies. A legal aid lawyer can take care of your appeal, which means you don't have to worry about doing any of the steps in this booklet yourself.

In custody?	Not in custody?
<p> Call</p> <p>The prisoners-only line: 1-888-839-8889 (no long-distance charges)</p> <p>Monday to Friday</p> <p>9 am – 4 pm (Wednesday: until 2:30 pm)</p> <p>To call the Appeals Section directly: 604-601-6085</p> <p>Monday to Friday</p> <p>9 – 11 am and 2 – 4 pm</p> <p>(The prisoners-only line can also connect you.)</p>	<p> Call</p> <p>604-408-2172 (Greater Vancouver) 1-866-577-2525 (elsewhere in BC)</p> <p>Monday to Friday</p> <p>9 am – 4 pm (Wednesday: until 2:30 pm)</p> <p>To call the Appeals Section directly: 604-601-6085</p> <p>Monday to Friday</p> <p>9 – 11 am and 2 – 4 pm</p>
<p> Write</p> <p>Legal Aid BC Appeals Section 400 – 510 Burrard Street Vancouver, BC V6C 3A8</p>	<p> Visit the nearest legal aid office</p> <p>Try to call before you go. For the location of the nearest office, go to legalaid.bc.ca. Search "legal aid locations."</p> <p> Email: helpdesk.appeals@legalaid.bc.ca</p>

You may have to wait a few weeks to several months to get a final decision.

We suggest waiting to see if your application is accepted so that the lawyer can take care of your entire appeal. But this may make you miss the first deadline. If you have the resources to do Steps 1 and 2 in 30 days, you can do them while you wait to hear back from Legal Aid BC. If you're refused a legal aid lawyer and you missed the deadline, we show you how to ask for an extension (page 18).

Step 3 shows you how to apply for a **court-appointed lawyer**, which is how you get help if you were refused a legal aid lawyer.

If you can afford a lawyer, the **Lawyer Referral Service** can help you find a private lawyer to take your case. They'll give you the name of a lawyer who you can meet for a half-hour interview for \$25 plus taxes. If you decide to hire them, ask how much you can expect to pay.

- 604-687-3221 (Greater Vancouver)
- 1-800-663-1919 (elsewhere in BC)



Your first deadline

The first form you have to fill out is the Notice of Appeal (Step 2). The court registry needs to get it within **30 days** of the day you were sentenced. The 30 days is called the **appeal period**. You can mail the form, or take it in person if you're not in custody and you don't live far from the court. Faxing is usually an option as well.

When you fill out a legal document and send it to the right court, they stamp it and store it where they keep official records. This happens at the **court registry**. This is called filing a document.

If you don't remember the sentencing date, you'll have to look for it in a court document such as the Warrant of Committal. You can ask for it if you don't have it. See page 13.

If it's just not possible to file the Notice of Appeal on time, you have to ask the court for an extension (page 18). There's more paperwork to fill out, and you have to give a good reason why you're late. (We'll explain what to do if waiting for Legal Aid BC caused you to be late.)



How long does an appeal usually take?

If everything goes smoothly, there will be an appeal hearing, where you appear in front of the judge or judges who decide on your appeal. The time frame depends on whether you were convicted of a **summary** or **indictable** offence (see page 15):

- For a summary offence, the appeal hearing will be, at the latest, six months after the court receives your Notice of Appeal.
- For an indictable offence, the appeal hearing is usually within 12 months after the court receives your Notice of Appeal. If you're appealing your conviction at the same time, it will be more like 12 to 18 months.

There may be various delays, such as applying for a legal aid lawyer, or getting together the money for the court transcripts.



Some things to know

QUESTIONS & ANSWERS



I was given Dangerous Offender or Long-Term Offender status. Can I appeal this?

Yes. You can also appeal the length of any related jail sentence or Long-Term Supervision Order. These are all sentences, but you or your lawyer will have to file an appeal book, factum, and book of authorities, which are described in *How to Appeal Your Conviction*. Ask for this free booklet from Legal Aid BC (page 6). You'll also have to file sentencing transcripts, even if they're less than 100 pages (page 25).



Does an appeal mean getting a judge to do the sentencing again?

No. An appeal means you think the sentencing judge made a serious mistake. The appeal court will only look at what you think the legal error was. You may eventually get a different sentence, but only if your appeal succeeds first.

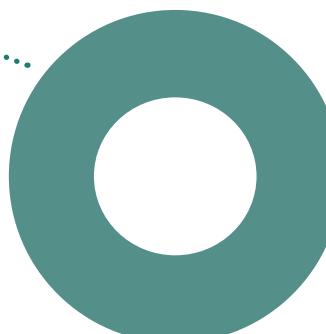


If I tried to do my own appeal and did a bad job, can I still hire a lawyer later on?

Yes. But once an appeal is decided, it's final. You'd have to appeal that decision to a higher court, and this can be hard to do. See "Is it possible to make too many appeals?" (see bottom left).

Is it possible to make too many appeals?

Yes. There are different levels of courts. After your appeal is **dismissed** (rejected) in one court, you can apply to start another appeal at a higher court, although it gets harder to do so. You'll need permission from the higher court first. You do this by applying for **leave**. Before the higher court agrees to hear your case, you need to show that your case raises an important question of *principle*—sentencing principles are explained on page 11. If your first appeal is to the Supreme Court of BC and it's dismissed, you can try to appeal to the Court of Appeal for BC. If your appeal to the Court of Appeal for BC is dismissed, you can try to appeal to the Supreme Court of Canada, but it's *extremely* rare for sentence appeals to be heard in this court.





Can I appeal after a very long time?

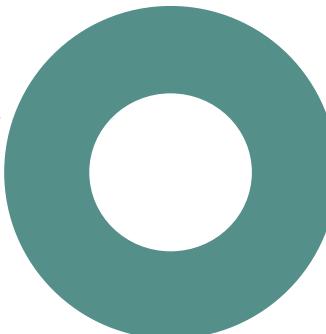
It depends. You have to give a very good explanation for being late. (We show you how to apply for an extension of time on page 18.) The later it is, the more difficult it will be to get an extension.



I'm not in custody, and I have a driving ban or probation order. Can I get it lifted temporarily while I wait for the appeal hearing?

Perhaps you were convicted of impaired driving and you have a court order that bans you from driving. Or you have a probation order that involves a no-contact order, community work, counselling, or regular reporting to a probation officer. You can apply to **stay** (suspend) the order until the results of the appeal hearing. You'll need to argue your case and back it up with **case law**.

If you're dealing with the Supreme Court of BC, use the same form for applying for bail (page 57). Cross out "(a)" and either "(b)" or "(c)." Contact the court registry to get help setting up the hearing date. If you're dealing with the Court of Appeal, you can try applying on your own, but you may want help from a lawyer.



Why do I have to make photocopies of the forms?

This booklet usually tells you to send three or five photocopies of a document, plus the original. (You'll have four or six printouts.) They're for:

- You
- The Crown counsel (the prosecutor)
- The judge or judges. In the Court of Appeal, there are three judges at the appeal hearing. For all other hearings, there is just one judge.
- The court's archives

The copies are first filed (stamped by the court) so that everyone knows they're looking at the same thing. This includes your own copy, which gets returned to you. If you're in custody and photocopying isn't possible, you'll have to send your forms to the court without copies. They'll see that you're mailing from an institution, so chances are good that they won't charge you a copying fee. However, they do expect photocopies of documents that are more than a few pages long.



Grounds for appeal

Grounds for appeal means the reasons for or the basis of your appeal. To convince the appeal court to lower your sentence, you have to argue at least one of the following grounds: the sentence is excessive, the sentence is illegal, or there was an error in a principle of sentencing. If you don't show that at least one of these applies to your sentence, your appeal won't succeed.

Excessive sentence

An excessive sentence (also called an unfit sentence) is one that is clearly too high, too harsh, or more than what's reasonable. You have to find out the length of other sentences in cases where:

- The circumstances of the offence are similar to yours.
- The background of the accused is similar.
- The appeal court reduced the sentence.

Illegal sentence

Legislation (our written laws) sets out the penalties that can be given for a criminal offence. This is usually the Criminal Code of Canada, although you may have been convicted under other legislation such as the Controlled Drugs and Substances Act or the Youth Criminal Justice Act. Any sentence that isn't authorized by legislation is illegal.

You have to compare the exact sentence you received with the section in the act that applies to your situation. Show how your sentence doesn't follow the law.

Examples:

- A judge orders a sentence or a combination of sentences of more than two years' imprisonment followed by a probation period. The sentence is illegal because it's **contrary to** (goes against) section 731(l)(b) of the Criminal Code. A probation order may only accompany a prison sentence of two years or less.
- A probation order is for longer than three years. This is an illegal sentence because it's contrary to section 732.2(2)(b) of the Criminal Code.



Error in principle

Every sentencing judge must consider the following principles of sentencing, if the principle is relevant:

- The sentence must **denounce** (publicly criticize) the unlawful conduct.
- It must **deter** (prevent) you and others who are thinking of committing the same crime.
- It must **protect** the public.
- It must **rehabilitate** you — help to change your behaviour and help you lead a healthy, crime-free life. This includes education and drug treatment programs.
- It must **make a reparation** (make amends) for the harm you did to victims or to the community while encouraging you to feel a sense of responsibility.

It's wrong for a judge to ignore or put too much emphasis on one of these principles. (This is called "not properly applying the principles of sentencing.") If you can show that the error in principle made a difference to the sentence you received, the appeal court will lower it.

Examples:

- An offender's addiction to drugs has nothing to do with why they committed the offence, but the judge increases the sentence to make sure the offender has enough time to complete a drug treatment program in jail.
- The judge says they aren't concerned about the rehabilitation of a 21-year-old offender. They impose a sentence of two years for car theft, when a community-based sentence may be more appropriate.
- The judge didn't give enough weight to the offender's circumstances as an Aboriginal person, as required by section 718.2(e) of the Criminal Code.



Are you Aboriginal? Know your Gladue rights

If you're Aboriginal, you have rights under the Criminal Code of Canada, often called Gladue rights. A judge has to consider your Gladue rights at sentencing, bail hearings, and appeal hearings. This is why you should get an opportunity to tell your story to the court. The judge must consider the challenges you face as an Aboriginal person and the type of sentence that may be appropriate because of your heritage.

The sentencing judge can decide to take a **restorative** approach. This means they give you a sentence that would repair the harm caused by your crime and help you, any victims, and your community to heal. Did the judge consider all options other than jail?

You can appeal the sentence on the grounds that they didn't give any or enough weight to **Gladue factors** — the challenges you face as an Aboriginal person.

If you or your lawyer didn't present a Gladue report or any Gladue submissions at your sentencing, you can apply for a Gladue report to be considered or admitted at your appeal. This is a report written by a trained Gladue report writer. They interview you, your family members, and community contacts. Getting the information needed for a report can involve very personal questions and can be a painful experience. It can take eight weeks or longer to write. To find out about getting a Gladue report, see BC First Nations Justice Council at bcfnjc.com.

In this booklet, we show you how to apply for a legal aid lawyer, and if you're refused, a court-appointed lawyer. If you didn't get a court-appointed lawyer, you'd have to hire a Gladue writer yourself, but it can be expensive. You'd also be responsible for making a fresh-evidence application.

Track down information to get started

You need to know some basic facts to fill out the forms, find out the deadlines, and find out what court you'll be dealing with. The checklist below is for your own records.

In custody?	Not in custody?
<p>Most of this information is on a court document called the Warrant of Committal. (It's a court order that authorizes your imprisonment.) If you don't have a copy, ask for it. Your institution has a copy. Talk to a staff member, your parole officer, or someone on your case-management team.</p> <p>If you have trouble understanding the document, Legal Aid BC may be able to help. (See page 6 for their contact info.)</p>	<p>Most of this information is on the court papers you've received, whether it's the Warrant of Committal (if you spent time in custody), Conditional Sentence Order, Probation Order, or Conditional Discharge Order. If you lost these papers, the registry of the court where you were sentenced can give you a copy. Call, write, or go in person. (They may charge a small fee.) Supreme Court registries are listed on page 16, and Provincial Court registries are listed at the back on page 73.</p>

A



Get details about your sentence and conviction

Where you were sentenced: _____

The date you were sentenced: _____

Look for the word **adjudged**:

"It was adjudged on [date] . . ." "On [date], the court adjudged . . ."

The date you were convicted: _____

"Whereas on [date], John Doe (the 'offender') was convicted or found guilty. . . ."

The court file number of your trial: _____

On the court document, look at the top under "Court File No." If it starts with four numbers and a ":"—ignore those numbers. 4916:12345-1

The offence or offences you were found guilty of:

Was it an **indictable** (*in-DITE-a-bull*) or **summary** offence? [circle]

"Proceeded: Summarily" → summary

"Proceeded: By indictment" → indictable

See page 15 for definitions.

If you can't find this on your papers, call, write, or visit the court registry where you were sentenced. Supreme Court registries are listed on page 16, and Provincial Court registries are listed at the back on page 73. Tell them your court file number. On the phone, you may have to press the button for "criminal" (not "civil") before you talk to someone.

Step 1

- If you were sentenced for an indictable offence: Were you sentenced in **Provincial Court** or **Supreme Court**? [circle]

Sometimes this is listed with the judge's name: "before *Provincial Court* Judge J Doe." Do you see "Provincial Court" or "Supreme Court" anywhere on the document?

If not, call, write, or visit any court registry. Supreme Court registries are listed on page 16, and Provincial Court registries are listed at the back on page 73. It doesn't have to be where you were sentenced. Tell them your court file number.

On the phone, you may have to press the button for "criminal" (not "civil") before you talk to someone.

- Your sentence:

- The name of the judge: The judge's name is in small print, usually *under* the bottom-right box with the clerk's name. Look for the word "**Judge**" or "**Madam Justice**" or "**Mr. Justice**."

- The length of the trial (if you had one):

- Were you convicted under the Youth Criminal Justice Act?:
yes / no [circle]

This act applies to you if you were under 18 at the time of the offence.

- If you were convicted of a summary offence:
Under what act were you convicted (for example, the Criminal Code, the Controlled Drugs and Substances Act, the Fisheries Act, etc.)? Look for the words "**contrary to**" after the name of your offence. Include the section of the act:

B



Figure out which court you'll be dealing with

This is where you send (**file**) your forms and where the **appeal hearing** takes place. (This hearing is when you go to court to present your case in front of a judge or judges.) Other requests, such as for more time or for a court-appointed lawyer, are also heard at the same court. These may be by videoconference if you're in custody.

What was your sentence for?

Indictable offence

(*in-DITE-a-bull*) In general, more serious and can carry a heavier sentence.



Appeal to the Court of Appeal for BC

Summary offence

In general, less serious with a lower maximum sentence.



Appeal to the Supreme Court of BC

The appeal process and forms are a bit different for each court.

Look out for the **black circle** or **grey square** throughout this booklet.



Court of Appeal registries

For your appeal, you can choose the registry you deal with. If you're going to mail your documents because you're in custody or live far away, use the Vancouver registry. (Mail to Victoria and Kamloops automatically gets forwarded to Vancouver.) If faxing is more convenient than mail or delivering in person, fax your forms to the Vancouver registry.

Court of Appeal Registry
400 – 800 Hornby Street
Vancouver, BC V6Z 2C5
604-660-2468
Fax: 604-660-1951

Court of Appeal Registry
850 Burdett Avenue
Victoria, BC V8W 1B4
250-356-1478

Court of Appeal Registry
223 – 455 Columbia Street
Kamloops, BC V2C 6K4
250-828-4344

Step 1



Supreme Court of BC registries

For your appeal, you must deal with the court nearest to where you were convicted. If you can, call to make sure you have the right registry and that the address hasn't changed. (Or go to www2.gov.bc.ca and look up "courthouse locations.") You should also call if you were convicted and sentenced in different courts. Address mail to "Supreme Court Registry." If faxing is more convenient than mail or delivering in person, call to find out the fax number.

Campbell River

500 – 13th Avenue
Campbell River, BC V9W 6P1
250-286-7650

Chilliwack

46085 Yale Road
Chilliwack, BC V2P 2L8
604-795-8350

Courtenay

Room 100 – 420 Cumberland Road
Courtenay, BC V9N 2C4
250-334-1115

Cranbrook

Room 147
102 – 11th Avenue South
Cranbrook, BC V1C 2P3
250-426-1234

Dawson Creek

1201 – 103rd Avenue
Dawson Creek, BC V1G 4J2
250-784-2278

Duncan

238 Government Street
Duncan, BC V9L 1A5
250-746-1258

Fort Nelson

This registry is just for filing. The hearings will probably be in Fort St. John.
Bag 1000, 4604 Sunset Drive
Fort Nelson, BC V0C 1R0
250-774-5999

Fort St. John

10600 – 100 Street
Fort St. John, BC V1J 4L6
250-787-3231

Golden

837 Park Drive
Golden, BC V0A 1H0
250-344-7581

Kamloops

223 – 455 Columbia Street
Kamloops, BC V2C 6K4
250-828-4344

Kelowna

1355 Water Street
Kelowna, BC V1Y 9R3
250-470-6900

Nanaimo

35 Front Street
Nanaimo, BC V9R 5J1
250-716-5918

Nelson

320 Ward Street
Nelson, BC V1L 1S6
250-354-6165

New Westminster

Begbie Square
651 Carnarvon Street
New Westminster, BC V3M 1C9
604-660-8522

Penticton

100 Main Street
Penticton, BC V2A 5A5
250-492-1231

Port Alberni

2999 – 4th Avenue
Port Alberni, BC V9Y 8A5
250-720-2424

Powell River

103 – 6953 Alberni Street
Powell River, BC V8A 2B8
604-485-3630

Prince George

J.O. Wilson Square
250 George Street
Prince George, BC V2L 5S2
250-614-2700

Prince Rupert

100 Market Place
Prince Rupert, BC V8J 1B8
250-624-7525

Quesnel

305 – 350 Barlow Avenue
Quesnel, BC V2J 2C1
250-992-4256

Revelstoke

This court is for hearings. File your documents at Salmon Arm.
1123 West 2nd Street
Revelstoke, BC

Rossland

PO Box 639
2288 Columbia Avenue
Rossland, BC V0G 1Y0
250-362-7368

Salmon Arm

550 – 2nd Avenue NE
PO Box 100, Station Main
Salmon Arm, BC V1E 4S4
250-832-1610

Smithers

No. 40, Bag 5000
3793 Alfred Avenue
Smithers, BC V0J 2N0
250-847-7376

Terrace

3408 Kalum Street
Terrace, BC V8G 2N6
250-638-2111

Vancouver

800 Smithe Street
Vancouver, BC V6Z 2E1
604-660-2874

Vernon

3001 – 27th Street
Vernon, BC V1T 4W5
250-549-5422

Victoria

In person:
850 Burdett Avenue
Mailing address:
PO Box 9248, Stn Prov Govt
Victoria, BC V8W 9J2
250-356-1478

Williams Lake

540 Borland Street
Williams Lake, BC V2G 1R8
250-398-4301

File the Notice of Appeal

2

To let the court know you want to appeal, you must first file a Notice of Appeal. **Deadline:** The court has to receive the form within 30 days after you were sentenced. (See page 13 if you don't remember when this was.) If you can't meet the deadline, see the next page.

A

Fill out the form. (See page 15 if you don't know which form to use.)



page 35

Notice of Appeal or Application for Leave to Appeal

If you're appealing both your sentence and conviction, you only need to fill out one copy of the form above for both appeals.



page 39

Notice of Appeal — Defence Appeals Against Conviction, Sentence or Other Order

B



Photocopy the form

CA 3 photocopies

SC 5 photocopies

C



File the form

Mail the original and photocopies to the court registry (or take it in person).

What's next?

Wait for a response in the mail. You'll get your copy of the Notice of Appeal back. The court may let you know about what they expect from you before the appeal hearing. You'll have to keep on top of these things if you don't get a court-appointed lawyer.

Some deadlines can be tricky, especially if you're in custody. For example, some people will have to file transcripts and send proof of ordering them a few weeks after filing the Notice of Appeal. But you may be in the middle of applying for a legal aid lawyer or a court-appointed lawyer. These lawyers take care of ordering transcripts. If the court knows that you're applying for a lawyer but still expects you to file transcripts, consider starting Step 4 and getting a quote (an estimated cost) from the transcription company (see page 25).

Keep any documents you receive from the court. Write down the following:

When did the court receive and file the Notice of Appeal? (Look at the date stamp on the copy you get back.)

What is the court file number for your appeal? (This is important for the rest of the forms.) In the Court of Appeal, the format is "CA12345."

Step 2

Step 2

Can't meet the deadline?



You have to ask for an extension. You'll have to show that you meant to appeal within the 30-day period and give valid reasons why you didn't. Maybe you didn't know you had a right to appeal and only learned about it after the 30-day deadline. Or maybe Legal Aid BC took a long time to respond with their refusal letter and caused a delay.

- Ⓐ File these forms at the same time as the Notice of Appeal.
- Ⓑ Do all of the steps below, but *do not file* the Notice of Appeal. There will be a court hearing where the court decides whether to **grant** (give) you the extension. Once you're granted the extension, you can file the Notice of Appeal.

If the court doesn't grant you an extension, you can't go ahead with your appeal.

1

Fill out the Notice of Application for Extension of Time to Appeal (page 41)

Ask for an affidavit from Legal Aid BC

You only need to do this if you applied for a legal aid lawyer (page 6). This affidavit proves that you had a valid reason for being late. See page 6 for Legal Aid BC's phone number and address.

2

When did you apply for a legal aid lawyer?

Before the 30-day deadline: Skip to Step 5 below.

After the 30-day deadline: Legal Aid BC is just part of why you're late. You'll also write your own affidavit explaining your other reasons.

3

Fill out the Affidavit in Support of Application for Extension of Time to Appeal (page 43)

This is where you write down the reasons you were late. You can skip this step (and Step 4 below) if you applied for a legal aid lawyer before the 30-day deadline.

4

Swear or affirm your affidavit

Do this in front of a commissioner for taking affidavits for BC. (See next page.)

Photocopy

- Notice of Application for Extension of Time to Appeal: 3 photocopies
- Affidavit from Legal Aid BC (if needed): 3 photocopies
- Affidavit in Support of Application for Extension of Time to Appeal (if needed): 3 photocopies

File the forms

Mail the originals and the photocopies to the court registry (or take it in person).

Ask the registry about how to serve a copy of the Notice and affidavit(s) on Crown counsel. (See next page.)



Serving documents on Crown counsel

The Crown counsel, or Crown lawyer, is the prosecutor in your appeal. They'll be at your court hearings, and you have to make sure they get a copy of your documents right after you file them. Giving a court document to the other party is called **serving**. Before documents are served, they must first be stamped at the court registry (filed).

- **In custody?** Write a note asking the registry if they could serve Crown counsel for you by putting the filed document in Crown counsel's mail slot. Mention that you're in custody and a **self-represented litigant** (you're your own lawyer). Also ask for Crown's address. Some of the forms need this information. If you have to serve the document yourself, they'll send you two filed copies; mail one copy to Crown.
- **Not in custody?** Ask the registry for Crown's address. You'll get back two filed copies; mail one copy to Crown or deliver it in person. Most Crown lawyers will also accept faxes, but ask them first. Most places that offer photocopying services offer faxing as well.

The only form you don't have to worry about serving is the Notice of Appeal. The court registry will do this automatically. You're responsible for getting all the other forms and documents to Crown.



It's very unlikely, but there's a chance that when the Crown reviews your case, they decide you should have a *higher* sentence. They'll let you know in writing before your appeal hearing. Rather than risk an increased sentence, you can always abandon your appeal (see page 22). If you're considering this, contact Legal Aid BC and ask for advice (see page 6).



Swearing or affirming an affidavit

An affidavit is a written statement. It contains facts that you swear under oath or affirm to be true. You have to do this in front of a commissioner — a person who was given the power to hear and accept oaths and affirmations. You both sign the affidavit in front of each other. This is called having your affidavit sworn.

- **In custody?** Federal institutions have someone on staff who can provide this service, but this isn't always the case at provincial institutions. Start by asking for an Inmate Request Form from a staff member, your parole officer, or someone on your case-management team. Ask different people. If you don't have any luck, explain your situation to the judge if you go to case-management conferences (see page 20). You can also try getting help from Prisoners' Legal Services (see page 73).
- **Not in custody?** Lawyers and notaries public can always act as a commissioner. And there's often a commissioner at a court registry or government office who can do it. If you want to use a notary, look for one through the Society of Notaries Public in BC website (notaries.bc.ca) or in the Yellow Pages under "Notaries Public." Shop around as prices vary. Bring government-issued picture ID with you.

Step 2

Case management

At some point, the court may think that your case needs extra attention. For example, your form has confusing or vague information, your affidavits aren't sworn, or you missed important deadlines — things that prevent an appeal from moving forward. Someone at the court or Crown counsel can ask for case management. This means you appear before a case-management judge to talk over what you need to do. The judge can give you new instructions, and they can make sure you understand the next steps. The same judge can follow up with more meetings (called **pre-hearing conferences**).

Case management is common in the Court of Appeal. It's less common in the Supreme Court of BC. You'll get a letter with a date and time to appear in court. If you're in custody, this appearance is usually done by video. Sometimes you can ask for case management yourself. You apply to appear before a judge.

These conferences take place in a courtroom called **Chambers**. They can feel quite formal. Think of it as a chance to make it clear to the court what your plans and goals are. You may feel emotional, but it's always a good idea to stay calm and be as polite as possible.



Words you may hear at a court hearing

allege (ah-LEDGE) — To claim something wrong happened but that hasn't been proven yet. For example, you could allege that you didn't get an interpreter at your trial after you had asked for one. If you allege something, what you say is an *allegation*.

consent — Agree, allow.

Crown counsel — The prosecutor in your appeal. *Counsel* means lawyer. In court, they may refer to themselves in the third person. For example, instead of "I applied," they'll say "Crown counsel applied."

denied funding — Usually referring to being refused legal aid (a form of financial support).

grant — To allow or give. For example, the judge may grant you an extension.

My Lady (for a female judge), My Lord (for a male judge) — How to address the judge in court. It's a form of respect, similar to "Your Honour."

intention to proceed — The plan for what to do next.

practice directives — Guidelines from the court.

preliminary matters — The issues at the beginning that need to be sorted out.

sit — To hold a hearing. You need to know the sitting dates to schedule a court hearing.

substantiate — To prove the truth of. For example, you substantiate a claim with an affidavit or evidence.

supplementary — Additional or extra. For example, supplementary information.

Other words and phrases are in a list of definitions at the back of this booklet (page 69).

Apply for a court-appointed lawyer

In some cases, you can get a lawyer arranged (**appointed**) by the court. The government pays their fees. This is written in the law, under section 684 of the Criminal Code. So you may sometimes hear this being referred to as a **section 684 application**.

You can apply if you can check all three boxes:

- You don't have money to hire a lawyer.
- You applied for legal aid and were refused.
- You filed your Notice of Appeal (you completed Step 2).

You must show the court that you can't afford a lawyer and that you can't **represent yourself** (be your own lawyer) in any effective way. You'll have to tell them:

- Your financial situation
- Your education and lack of legal training
- That you were refused legal aid
- The main points you'll argue (see "Grounds for appeal" on page 10)
- That you don't have a lawyer's skills to organize and present a case
- How complex your case is
- Why you think your appeal will succeed

A



page 47

Fill out the Letter of Authority (Exhibit A)

You need to show that you were refused legal aid. Legal Aid BC can confirm this to the court. But you have to write to Legal Aid BC to give them permission to send your information to the court.

B



Photocopy

1 photocopy of the Letter of Authority

C



Mail the letter

Mail the **original** to Legal Aid BC. The address is on the form. Write down when you sent the letter: _____

You'll need this date to fill in the affidavit in the next step.

D



Fill out 2 forms

1

Notice of Motion/Application for Appointment of Counsel

2

Affidavit for Appointment of Counsel

1. page 49
2. page 51

Step 3

E



Swear or affirm the affidavit

You need to go to a commissioner for taking affidavits for BC. (See page 19.)

F



Photocopy

3 photocopies of the Notice of Motion/Application and the sworn affidavit. To the original affidavit, attach the photocopy of the Letter of Authority (see Step B).

G



File the forms

Mail the originals and the photocopies to the court registry (or take it in person). Ask the registry about serving the forms on Crown counsel (see page 19). If you're not in custody, also talk to them for help with setting a date for the hearing.

H



Attend the hearing

You appear in court (called **Chambers**) in front of a judge. (If you're in custody, this will be by videoconference. If you're not in custody and the court is far from where you live, ask for a phone conference.) The judge will look at your application and decide whether to **grant** (give) you a court-appointed lawyer.

Limited 684

When the judge looks at your application for a lawyer, they may decide to give you extra help with the application. They get another lawyer to make the argument that you should get a court-appointed lawyer. This is called a **limited 684 appointment**.

What's next?



If you don't get a court-appointed lawyer, you'll have to do Steps 4 to 7 yourself. Step 4 — ordering transcripts — can cost a lot of money. However, if you're appealing to the Court of Appeal and *not* appealing your conviction at the same time, you may be able to skip this step. If you have a court-appointed lawyer, they'll take care of the transcripts if necessary and the rest of your appeal. You'll need access to a legal library or the Internet for Step 5.

Do you want to abandon your appeal?

Did you file an appeal but then decide you don't want to go ahead with it? **Fill out the Notice of Abandonment of Appeal.** Get another person to witness your signature. It doesn't have to be a commissioner. Then mail it to the court registry. Be sure you want to do this. It's extremely hard to reopen your appeal case once it's been abandoned.

page 67



Do you want to apply for bail while you wait for the appeal hearing?

If you're in custody and want to apply for bail, it helps to get a friend or relative to act as a **surety** (*SHUR-ri-tee*). This is someone who makes sure that you follow the rules and conditions when you're released on bail, and that you go to court when you have to. They may have to pay money if you break these bail terms. They have to show that they have money or property so they can pay if necessary.

- CA If you're appealing to the Court of Appeal, applying for bail comes with a bit of risk. Your request to get permission (leave) to appeal your sentence is heard at the bail hearing instead of at the appeal hearing. You have to convince the judge that your appeal has **merit** (a reasonable chance of succeeding). Otherwise, you won't be granted bail and you won't be allowed to go forward with your appeal. You have to be fully prepared to present your argument why your sentence should be reduced.

You have to persuade the court that:

- Your appeal has **merit**, meaning that it has a good chance of succeeding and that keeping you in custody is causing unnecessary hardship. (Provide a summary of your grounds for appeal, and refer to case law or legislation — see Step 5.)
- You'll give yourself up into custody when you need to. (This is usually the date of your appeal hearing.)
- Keeping you in custody isn't in the public interest. (There are two aspects to public interest: people's safety and people's confidence in the legal system.)

Make your case in writing or in person

You need to make your case in writing or in person, or both. To do it in writing, file a **written argument** that says why you think you should be released. (There's no form for this.) However, some people feel that they could be more convincing and increase their chances of success if they do it in person.

- CA You need the court's permission to do it in person. Even if you get permission, they may still ask you to make a written argument, so we recommend you file one with the other forms. Ask at a case-management conference if you go to them. Or write to the court registry to ask, and send a copy of your request to Crown. You can say, "I'd like the opportunity to speak in court on the day my application is being considered."
- SC You have a choice of doing it in writing or in person. There's a checkbox at the bottom of the Notice of Application (page 57).



If you plan to go ahead with Steps 4 to 7 yourself, it will generally be easier to do so outside of custody. You can visit libraries and go on the Internet to do legal research, make calls, get access to photocopying services, and possibly deliver transcripts yourself (to the court registry and Crown counsel) instead of trying to arrange it from your institution.



Applying for bail

A



Fill out forms

1. page 55
page 57

CA Notice of Application for Release from Custody Pending Determination of Appeal

2. page 59

SC Notice of Application for Release from Custody Pending Determination of Appeal or Stay of Probation Order or Driving Prohibition

2 Affidavit in Support of Application for Release from Custody Pending Determination of Appeal

3 Your written argument (see previous page)

B



Collect information

Any information or materials that support your case. Examples:

- A letter from your surety
- Other letters of reference (for example, from your relative, boss, Elder)
- A letter of employment
- Medical records (for example, if you need treatment for a disease that makes it hard to be kept in custody)
- Legal cases you plan to rely on (Step 5); attach this to the written argument if you're writing one

C



Swear or affirm the affidavit. See page 19.

D



Photocopy

1 Your filled-out form, sworn affidavit, written argument, and letters of reference: 3 photocopies

2 Supporting information, such as medical records, if you want to keep the original copy: 4 photocopies

E



File the documents

Mail the originals and the photocopies to the court registry. Ask the registry about serving the documents on Crown counsel (see page 19). Also talk to them for help with setting a date for the hearing.

! Do Steps 4–7 only if you don't get a court-appointed lawyer

File transcripts

4

Long before your appeal hearing, the appeal court will need the **court transcripts** of your sentencing hearing and the reasons for sentence. Transcripts are the typed records of everything that was said in court and contains the basic information you use for your argument.

- A** If you're appealing both your sentence and conviction in the Court of Appeal, you're responsible for getting transcripts of both your sentencing and your trial. But if you're appealing just your sentence, you *don't* need to order and file transcripts; you can skip this step entirely. The Court of Appeal registry will order and pay for the transcripts, as long as they're under a hundred pages. They'll send you a copy before the hearing date.

A



Get an estimate from the transcription company

See below to find out which company to contact. It depends on where you were sentenced. (If you were sentenced in Provincial Court for an indictable offence, sometimes the transcripts are done by a separate company. Verbatim Words West or JC WordAssist will let you know.)

Verbatim Words West

#207 – 14888 – 104th Avenue
Surrey, BC V3R 1M4
604-591-6677
1-866-860-6677

For sentencing that took place in **Provincial Court** in **Abbotsford, Chilliwack, New Westminster, Port Coquitlam, Richmond, or Surrey**.

JC WordAssist

111 Skinner Street
Nanaimo, BC V9R 5E8
250-754-7822
1-888-811-9882

If you weren't sentenced in the courts listed under Verbatim Words West, order from this company.

Let them know:

- You're ordering transcripts of your **sentencing hearing** and the **reasons for sentence**
- Whether you were sentenced at Supreme Court or Provincial Court
- When the sentencing was, and for how many days
- The court file number of your trial and of your appeal

They may not be able to tell you the exact cost right away. It depends on a few things, such as exactly how long the sentencing was. Also, the price is reduced if someone else has already ordered the transcripts or part of the transcripts. They may ask you if you want it done faster (called an **expedited** or **priority** transcript), but it will cost more.

Step 4

Step 4

B



Order the transcripts

CA Order 6 copies (the original plus 5 photocopies), plus a digital version.

SC Order 4 copies (the original plus 3 photocopies), plus a digital version.

- Ask the transcription company about filing. If they're going to file the original at the appeal court for you, tell them that the court registry won't accept just one copy. Ask them if they'd offer to file *all* the copies. (The copies are for the judge or judges, you, Crown counsel, and the appeal court's archives.)
- Let them know the filing deadline (see Step D).
- Make sure you get a receipt of the order right away. (The transcripts will take longer to get to you.)

C



File proof that you ordered the transcripts

The proof can be a copy of the transcription company's receipt of your order. Mail it to the registry (or send it in person). Include a note that says you're enclosing proof of ordering transcripts, and include your court file number.

CA Deadline for filing proof: You usually have **4 weeks** from the day you filed your Notice of Appeal (the day it was received and stamped).

When did you file your Notice of Appeal?

SC Deadline for filing proof: You have **14 days** from the day you filed your Notice of Appeal (the day it was received and stamped).

When did you file your Notice of Appeal?

_____ + 14 days = _____

D



File the transcripts

Deliver all of the copies to the court registry, or get someone to do it for you. (They may sometimes be too large, heavy, and expensive to mail.)

CA Deadline: The letter from the court will tell you when this is. You usually have **12 weeks** from the day you filed the Notice of Appeal.

When did you file your Notice of Appeal?

Note down when the transcripts were filed:

SC Deadline: You have **30 days** from the day you filed the Notice of Appeal. If you're also appealing your conviction, the deadline is **45 days** (the same deadline for the *trial* transcripts).

When did you file your Notice of Appeal?

Note down when the transcripts were filed:

E



Serve one copy on Crown counsel

You'll get two filed copies back. One is for yourself, and the other is for Crown. See page 19 for serving Crown.



Can't meet the deadline?

You're sure you can come up with the money to order the transcripts, but what happens if you need more time and you miss the filing deadline? The court registry or Crown counsel will notice that you've missed the deadline and contact you.

Be prepared to explain the steps you're taking to raise the money. Find out exactly how much the transcription company would charge you. You may have to explain yourself in writing, or they may set up a hearing so you can explain yourself in court. (If you're in custody, this will probably be by videoconference.) If you can't convince the judge, your appeal will be dismissed (rejected).

Step 4



Setting up your appeal hearing

If you're appealing your conviction at the same time, you don't need to book a separate hearing for the sentence appeal.

- Ⓐ Contact the Crown lawyer to set up a date for the appeal hearing. You have to find out when the judges are available to sit (that is, when they're in court), and which of those times the Crown lawyer is available. Then you have to call the associate registrar at the Court of Appeal to book the hearing.
- Ⓑ You have to set up the date for the appeal hearing yourself, although you can ask the court registry for help. The hearing needs to be between three to six months after you filed the Notice of Appeal. Some court locations have a separate phone number for scheduling. Find out when the judges are available to sit (that is, when they're in court), and then ask the Crown lawyer which of those times they're available. Then contact the court to book the hearing. You also have to tell the court about how long you think the hearing will take (between 15 minutes and two hours).

If you're out of custody and your appeal court is in Vancouver, you can see when the judge is available by going to courts.gov.bc.ca/supreme_court/scheduling/ and clicking on "SCA Available Dates.pdf." ("SCA" stands for "summary conviction appeals" but also covers sentence appeals.)

The next step is to do research on your grounds of appeal (page 10). You'll need access to legal materials at a library or at least access to the Internet. If you're in custody and your institution doesn't have a library, this step will be difficult.

Look up **court decisions**, or **judgments** (decisions made by a judge), that support your position. Court decisions can affect future cases and are referred to as **case law**. Some examples of case law research: Are there successful legal cases involving an appeal similar to yours? What was the length of sentences in other cases, and is yours a lot longer?

To argue an **illegal sentence**, you also need to research the legislation you were convicted under. The Criminal Code of Canada is our main criminal law. It's available online at laws-lois.justice.gc.ca/eng/acts/C-46/. It should also be available as a book in most libraries. All of our legislation is available online, including the Controlled Drugs and Substances Act, the Fisheries Act, and the Motor Vehicle Act.

Ask a librarian for help. Library computers may have access to databases and other digital resources; ask a librarian about that too.



- Visit the branches of the BC Courthouse Libraries. For the nearest branch, call **604-660-2841** (Greater Vancouver) or **1-800-665-2570** (elsewhere in BC), or go to courthouselibrary.ca.
- If you're in Vancouver, Victoria, or Kamloops, visit the law school libraries at the University of British Columbia, University of Victoria, or Thompson Rivers University.



- Look for the book *Martin's Annual Criminal Code*. It goes through Canada's Criminal Code (our main criminal law), with useful summaries of important decisions related to most sections of the Code. For examples of error in principle, see Section 687, which describes the appeal court's powers on a sentence appeal. Sections 718, 718.1, and 718.2 describe the principles of sentencing.
- A useful textbook is *Sentencing* by Clayton C. Ruby and others (9th edition, 2017). It has information about sentence lengths and errors in principle.



- Go to courts.gov.bc.ca for Court of Appeal and Supreme Court of BC judgments. Focus on these decisions when you're looking up the range of sentences for similar offenders. Also look at the websites of the court of appeal of other provinces.
- Go to scc-csc.ca for Supreme Court of Canada judgments. This is the highest court in Canada. Focus on these decisions if you're arguing error in principle.
- Go to canlii.org (Canadian Legal Information Institute) for Canadian legislation and legal cases.

Step 5

If you're going to argue **excessive sentence**, you have to present a copy of the court decisions or judgments when it's your turn to address the court at the appeal hearing. You can either file this information before the hearing, or just bring them with you to the hearing.

 5 photocopies  3 photocopies

With each relevant legal case or law, make a note of the **citation**. This is the name, along with letter and number codes for the court, year, edition, location, and so on. You can refer to them in the Appellant's Statement (Step 6). This helps lawyers and judges looking at your situation to find what you're referring to. Examples:

- *R. v. Oakes*, [1986] 1 S.C.R. 103, 24 C.C.C. (3d) 321 at para. 7
- *R. v. Lacasse*, 2015 SCC 64 at paras. 43-44
- *British Columbia Court of Appeal Criminal Appeal Rules*, 1986, R. 5

When it comes time to write out your argument (Step 6), here's an example of how you'd refer to a case: "The sentencing judge must consider the unique systemic or background factors faced by an Aboriginal offender (*R. v. Ipeelee*, 2012 SCC 13)."



It's worth looking at a 48-page guide called *The CanLII Primer: Legal Research Principles and CanLII Navigation for Self-Represented Litigants*. (A **self-represented litigant** is a person who acts as their own lawyer.) It talks about how to use the CanLII website mentioned on the previous page, but also explains the Canadian legal system and tells you how to use past legal cases to build your argument. Go to representingyourselfcanada.com/new-srl-resource-announcing-the-can-lll-primer.

! Do Steps 4–7 only if you don't get a court-appointed lawyer

Prepare your arguments and documents

6

Take some time to write down your arguments and summarize your legal research. It will help you to explain yourself clearly in court. We recommend that you write an **Appellant's Statement**, which you can file at least two or three weeks before the court hearing. The law doesn't require it, but it will help the court understand your position. The most important question in the sentencing judge's mind: "What sentence should this person receive for this offence, given the circumstances under which it was committed?" Since you're arguing that the sentence was unfit, you must clearly explain why and what the circumstances were.

It's also a good idea to order documents from the sentencing court. File them at the same time as the Appellant's Statement.

Finally, we've created a worksheet called "**Speaking Notes**" that you can bring to the appeal hearing. Much of this information is in the court transcripts of the sentence proceedings.

A



Get documents from your sentencing court

There's no guarantee that the appeal court has a copy of your criminal record, pre-sentence report, and letters of reference or other materials filed as exhibits in the court that sentenced you. It's a good idea to make sure that the appeal court has these documents. Ask for copies from the registry of the sentencing court.

B



page 63

Write an Appellant's Statement (optional)

We've provided a blank cover page to fill in. You'll need to produce the rest of the pages. There's no standard form or format. You can use these headings:

- **"Statement of Facts"**: What you were found guilty of and when.
- **"Grounds for Appeal"**: The reasons you're appealing the sentence, in detail. Why do you think the sentencing judge was wrong?
- **"Range and Type of Sentence"**: The length and type of sentence you think is appropriate for the offence and for you (the offender).
- **"Position by Crown and Defence Counsel"**: The positions that your lawyer and Crown counsel recommended to the judge at the sentencing hearing.

CA If you're out of custody and dealing with the Court of Appeal for BC, try your best to follow as many of these formatting rules as possible:

- Don't handwrite the statement. Use 12-point Arial font, and double-space it (put a blank line in between the lines of text). Libraries usually have computers with word-processing software; you can also use Google Docs or Microsoft Word Online for free using a web browser.
- Number each paragraph.
- Don't write more than eight pages.

Step
6

Step 6

C



Photocopy the documents and statement

CA 5 photocopies

SC 3 photocopies

D



File the documents and statement

Mail the originals and the photocopies to the court registry (or take them in person). Ask the registry about serving Crown counsel (page 19).

CA The deadline for filing the documents and statement is **3 weeks** before your appeal hearing.

Your appeal hearing:

_____ – 3 weeks = _____

SC There is no deadline. We recommend filing the documents and statement at least **2 weeks** before your appeal hearing.

Your appeal hearing:

_____ – 2 weeks = _____

E



page 65

Fill out the Speaking Notes worksheet

Fill this out to bring with you to your appeal hearing. It's just for you to refer to in court, so you don't need to make photocopies.

! Do Steps 4–7 only if you don't get a court-appointed lawyer

Go to the appeal hearing

7

Bring to the appeal hearing:

- Your speaking notes
- Your copy of the sentencing transcripts
- Your copy of the Appellant's Statement (if you wrote one)
- If you're arguing excessive sentence, a printout of cases. If you didn't already file these, bring the photocopies.

If you're also appealing your conviction, the conviction appeal is heard first. If it's successful, there's no need for a sentence appeal hearing. If it's dismissed, then the sentence appeal is heard (on another day).

At the hearing, you'll face one or three judges:



C In the Court of Appeal for BC, **three judges** will be at the hearing. (The judges are sometimes referred to as a **division**.)



SC In the Supreme Court of BC, **one judge** will be at the hearing.

Usually the appellant's side (your side) is the first to speak to the court and give it basic information. But you don't have a lawyer, so the court will often ask Crown counsel to do this.

You're then asked to give the reasons why you think the appeal should be allowed:

- State the **grounds for appeal** that you're using.
- Present your argument (for example, about how the judge failed to consider a community-based sentence).
- Point out the parts of the court transcripts that support your arguments.
- Bring up any previous court decisions (judgments and case law) that support your position.

The Crown lawyer will then make their arguments. You'll have a chance to briefly reply to any of these.

The court can now make a decision. For a sentence appeal, the court will usually give you an answer the day you make your appeal. But sometimes the court will **reserve its decision** (make it later) and you'll have to wait.



Tips

- Say your points clearly and politely. Be as persuasive as you can.
- If the judges ask questions, listen and take your time to answer.
- Even if you feel frustrated and angry, it's always a good idea to stay calm and be as polite as possible.

Step 7



What can happen as a result of your appeal?

The appeal court may change the sentence. This usually means that the court reduces the sentence, but there's also a chance that the court *increases* the sentence.

OR

The appeal court may dismiss the appeal (end your appeal and not change anything).

Do you want to appeal to a higher court?

If your appeal to the Supreme Court of BC was dismissed, you can try appealing your case in the Court of Appeal for BC. You'll first need leave (permission), which can be hard to get. Fill out **Form 1A**, which is for summary conviction appeals in the Court of Appeal, including an appeal of a sentence. We don't include it in this booklet. Go to:

courts.gov.bc.ca/Court_of_Appeal/practice_and_procedure/criminal_rules_forms.aspx

If your appeal to the Court of Appeal for BC was dismissed, you have no more options. It's extremely rare for sentence appeals to be heard in the Supreme Court of Canada.



A note about the forms

The forms begin on the next page. There are forms in colour that say "Your draft" along the right side; use these to practise filling out the forms. After the draft is the actual form you can tear out and use.

Notice of Appeal or Application for Leave to Appeal

Solicitor means lawyer. For now, you don't have a lawyer.

(Where appellant not represented by a solicitor)

The court file number of your trial. Where the documents related to your trial are filed. (If you were sentenced in Revelstoke, your documents are filed in Salmon Arm. If your offence was in Fort Nelson and you were sentenced in Fort St. John Supreme Court, your documents are filed in Fort Nelson. Call the registry to make sure.)

Lower Court Registry Number _____

You're the **appellant** (the one making an appeal). Include your middle name(s).

Lower Court Registry Location _____

List the city (or town). No need for the address.

Was your sentencing in Provincial Court or Supreme Court?

Provincial Court: **The Honourable Judge** [last name]. Supreme Court of BC: **The Honourable [Mr. or Madam] Justice** [last name].

Was there a jury, where a group of people instead of a single judge decided you were guilty?

For example: **theft, forgery**, etc. (Does your offence fall under the Youth Criminal Justice Act? It applies if you were under 18 at the time of the offence. Add "My appeal is under the Youth Criminal Justice Act" here.)

Guilty or Not guilty.

For example: "Three months' jail and a one-year probation order." For more than one offence, you can put the total sentence ("a total of three years' jail") or break it down.

The day you were sentenced.

If you're in custody, your institution.

Your address. Don't use a PO box. Also list your phone number and email address (if you have one).

A home address if someone you know still lives there and can help you with court documents.

To the Registrar:

Name of appellant: JOHN DOE

Place of trial: _____

Name of court: _____

Name of judge: _____

Was this a jury trial? _____

Offence(s) of which convicted: _____

Plea at trial: _____

Sentence imposed: _____

Date of conviction: _____

Date of imposition of sentence: _____

Name and address of place at which appellant is in custody: _____

Or if not in custody, appellant's address: _____

If in custody, address other than institution: _____

Write "sentence"; if you're also appealing your conviction, write "conviction and sentence."

Put a line through (a) or (b) to cross it out. Most people choose to present their case in person.

You can keep this blank for now and decide later on. A legal aid lawyer or court-appointed lawyer can help you decide.

Your signature.

Leave means permission. You need leave to appeal a sentence, and this form covers asking for leave. At the appeal hearing, or bail hearing if you're applying for bail, you may have to show that what you're asking for has **merit**. This means that the appeal has a good chance of succeeding.

What do you think the court got wrong? Explain it as best you can. Legally, the mistake has to fall under one of three categories: excessive sentence, illegal sentence, or error in principle. See page 10.

If you think you can add to this argument later on, either with the help of a lawyer or with more legal research, add "The sentence is unduly harsh and excessive given my background and the circumstances of the offence. Such further grounds as I may advise and this Honourable Court may permit."

I, the above named appellant, hereby give you notice that I desire to appeal to the Court of Appeal against my SENTENCE
on the grounds set out on this notice.

I desire to present my case and argument whether it be for leave to appeal or by way of appeal where leave is not necessary,

- (a) in writing
- (b) in person

If a new trial is ordered and you have a right to trial by jury, do you wish trial by jury?

Dated this _____ day of _____, 20 _____.
[1st, etc.] [month] [year]

→ [Signed] _____

Appellant

Notes

1. (a) If your appeal against conviction involves a question of law alone, you have a right of appeal.
(b) If your appeal against conviction is upon any other ground than a question of law, then you have no right of appeal unless leave to appeal is first granted. Your Notice of Appeal includes an application for leave to appeal where leave is necessary.
(c) You have no right to appeal against sentence unless leave to appeal is first granted by the Court of Appeal or a justice. Your Notice of Appeal includes an application for leave to appeal.
2. Further take notice that if you appeal from sentence the Court of Appeal may increase your sentence.
3. (a) If your appeal is against conviction or sentence alone, or against both conviction and sentence, this notice must be filed within 30 days of the date of imposition of the sentence.
(b) If this notice is filed beyond this time, then you must apply for an extension of time by completing Form 7 [Notice of Application for Extension of Time to Appeal].

Grounds of Appeal

These must be filled in before notice is sent to the Registrar. The appellant must here set out the grounds or reasons he or she alleges why his or her conviction should be quashed or his or her sentence reduced. If one of the grounds set out is "misdirection" by the judge, particulars of the alleged misdirection must be set out in this notice.

[Use additional separate sheet if necessary]

your
body
feel
good

Notice of Appeal or Application for Leave to Appeal

(Where appellant not represented by a solicitor)

Lower Court Registry Number _____

Lower Court Registry Location _____

To the Registrar:

Name of appellant: _____

Place of trial: _____

Name of court: _____

Name of judge: _____

Was this a jury trial? _____

Offence(s) of which convicted: _____

Plea at trial: _____

Sentence imposed: _____

Date of conviction: _____

Date of imposition of sentence: _____

Name and address of place at which appellant is in custody: _____

Or if not in custody, appellant's address: _____

If in custody, address other than institution: _____

I, the above named appellant, hereby give you notice that I desire to appeal to the Court of Appeal against my _____
on the grounds set out on this notice.

I desire to present my case and argument whether it be for leave to appeal or by way of appeal where leave is not necessary,
(a) in writing
(b) in person

If a new trial is ordered and you have a right to trial by jury, do you wish trial by jury?

Dated this _____ day of _____, 20 _____.
[1st, etc.] [month] [year]

[Signed] _____
Appellant

Notes

1. (a) If your appeal against conviction involves a question of law alone, you have a right of appeal.
(b) If your appeal against conviction is upon any other ground than a question of law, then you have no right of appeal unless leave to appeal is first granted. Your Notice of Appeal includes an application for leave to appeal where leave is necessary.
(c) You have no right to appeal against sentence unless leave to appeal is first granted by the Court of Appeal or a justice. Your Notice of Appeal includes an application for leave to appeal.
2. Further take notice that if you appeal from sentence the Court of Appeal may increase your sentence.
3. (a) If your appeal is against conviction or sentence alone, or against both conviction and sentence, this notice must be filed within 30 days of the date of imposition of the sentence.
(b) If this notice is filed beyond this time, then you must apply for an extension of time by completing Form 7 [Notice of Application for Extension of Time to Appeal].

Grounds of Appeal

These must be filled in before notice is sent to the Registrar. The appellant must here set out the grounds or reasons he or she alleges why his or her conviction should be quashed or his or her sentence reduced. If one of the grounds set out is "misdirection" by the judge, particulars of the alleged misdirection must be set out in this notice.

[Use additional separate sheet if necessary]

Notice of Appeal — Defence Appeals Against Conviction, Sentence or Other Order

(*Regina* is Latin for Queen, our official Head of State.)

You're the **appellant** (the one making an appeal). Include your middle name(s).

The city (or town) where you were sentenced, and the court file number of your trial.

Write "**The Honourable Judge**" before the last name. (This title is for judges in Provincial Court.)

For example: **theft, forgery, etc.**

The act you were sentenced under (for example, the Criminal Code, the Controlled Drugs and Substances Act, the Fisheries Act, etc.), and the section of the act.

(Were you sentenced under the Youth Criminal Justice Act? It applies if you were under 18 at the time of the offence. Write "My appeal is under the Youth Criminal Justice Act.")

Guilty or Not guilty.

For example: "Three months' jail and a one-year probation order." For more than one offence, you can put the total sentence ("a total of three years' jail") or break it down.

If you're in custody, the name of your institution.

Put a line through what doesn't apply.

What do you think the court got wrong? Explain it as best you can. Legally, the mistake has to fall under one of three categories: excessive sentence, illegal sentence, or error in principle. See page 10. If you think you can add to this argument later on, either with the help of a lawyer or with more legal research, add "The sentence is unduly harsh and excessive given my background and the circumstances of the offence. Such further grounds as I may advise and this Honourable Court may permit."

SUPREME COURT OF BRITISH COLUMBIA

REGINA

v.

JOHN DOE

Respondent

Appellant

Particulars of Conviction, Sentence or Other Order

1. Place of conviction, sentencing or other order and court file number:

2. Name of judge: **THE HONOURABLE JUDGE**

3. Offence(s) of which appellant convicted:

4. Section of Criminal Code or other act under which defendant was convicted:

[State here if appeal is under the Youth Criminal Justice Act.]

5. Plea at trial: _____

6. Length of trial: _____

7. Sentence imposed: _____

8. Date of conviction: _____

9. Date of sentence: _____

10. If defendant in custody, place of incarceration: _____

TAKE NOTICE that the appellant: [Strike out inapplicable provisions.]

(a) appeals against conviction

(b) appeals against sentence

(c) other: _____

[Specify nature of appeal.]

The grounds for appeal are _____

[Use additional sheet if necessary.]

"The relief sought" (the relief you seek) means what you want from the court. Here is a standard example.

The relief sought is AN ORDER ALLOWING THE APPEAL AND REDUCING THE SENTENCE

The appellant's address for service is

If you're in custody, the address of your institution. If you're not in custody, add your phone number and email address (if you have one).

Dated this _____ day of _____, 20 _____.
[1st, etc.] [month] [year]

Your signature.

Appellant

To the Registrar

Notice of Appeal — Defence Appeals Against Conviction, Sentence or Other Order

SUPREME COURT OF BRITISH COLUMBIA

REGINA

v.

Respondent

Appellant

Particulars of Conviction, Sentence or Other Order

1. Place of conviction, sentencing or other order and court file number:

2. Name of judge: _____

3. Offence(s) of which appellant convicted: _____

4. Section of Criminal Code or other act under which defendant was convicted:

[State here if appeal is under the Youth Criminal Justice Act.]

5. Plea at trial: _____

6. Length of trial: _____

7. Sentence imposed: _____

8. Date of conviction: _____

9. Date of sentence: _____

10. If defendant in custody, place of incarceration: _____

TAKE NOTICE that the appellant: *[Strike out inapplicable provisions.]*

(a) appeals against conviction

(b) appeals against sentence

(c) other: _____

[Specify nature of appeal.]

The grounds for appeal are _____

[Use additional sheet if necessary.]

The relief sought is _____

The appellant's address for service is _____

Dated this _____ day of _____, 20 _____.
[1st, etc.] [month] [year]

Appellant

To the Registrar

The city or town where you are right now. → Dated at _____ this _____ day of _____, 20_____.
[city/town] [1st, etc.] [month] [year]

Your signature. [signature of appellant or his or her solicitor]

Print your name clearly. _____

If you're in custody, just put [print the name of appellant or solicitor.]

[name and address for service of solicitor, or, if no solicitor, an address, not being a prison, where documents may be served
on the appellant if he or she is not in custody]

The city (or town) of your appeal court. → To the Registrar of the Court at →

Notice of Application for Extension of Time to Appeal

[The court handling your appeal.]

CA Court of Appeal for BC

SC Supreme Court of BC

REGINA

Respondent

v.

Appellant

IN THE MATTER OF _____

[name]

convicted at _____ before _____
[place where convicted] [judge]

_____ of _____
[offence]

on the _____ day of _____, 20_____
[1st, etc.] [month] [year]

and sentenced to _____
[length/description of sentence]

on the _____ day of _____, 20_____.
[1st, etc.] [month] [year]

TAKE NOTICE that an application will be made on behalf of the above named to this Court, or a Judge thereof, at such time and place as the Registrar may direct, for an extension of time within which ("an appeal may be brought" or "an application for leave to appeal may be made"), upon the following grounds:

Dated at _____ this _____ day of _____, 20____.
[city/town] [1st, etc.] [month] [year]

[signature of appellant or his or her solicitor]

[Print the name of appellant or solicitor.]

[name and address for service of solicitor, or, if no
solicitor, an address, not being a prison,
where documents may be served
on the appellant if he or she is not in custody]

To the Registrar of the Court at _____

Affidavit in Support of Application for Extension of Time to Appeal

General rules for affidavits: Stick to the facts (not opinions). Keep it simple, organized, and short.

Tick one or the other.

[The court handling your appeal.]



 Court of Appeal for BC



SC Supreme Court of BC

The city (or town) of your appeal court.

You're the **appellant**
(the one making an appeal).

Print your name again, with
your job and address. If you're
in custody, it's the job you had
before you were jailed. List the
name of the institution (you don't
need to put the address).

Number your paragraphs. After 1, put 2, 3, etc. for each paragraph. You can also use headings if you want to group the information.

List the reasons why you couldn't meet the 30-day deadline. Describe what exactly prevented you from filing on time. Show that you really meant to appeal on time.

REGINA

v.

JOHN DOE

____ Registry

Respondent

Appellant

MAKE OATH (OR SOLEMNLY AFFIRM) AND SAY THAT:

1. I am the appellant and personally know about the matters referred to in this Affidavit, except where they are based on information and belief, in which case I believe them to be true.

2.

Your draft

If you need one extra page for your affidavit, use the back of the first page. For more pages, you'll need blank paper. After you're finished, add page numbers to the bottom of your affidavit.

Make sure at least one line of
the last numbered paragraph is
included on this signature page.

If three pages aren't enough for your affidavit, insert a page or pages before this last page.

I swear (or affirm) this Affidavit in support of an application that the Court or a Judge of that Court grant me an extension of time to appeal.

The commissioner fills out the place and date, and signs. ("Me" is the commissioner.)

Your signature. Don't sign until you're in front of a commissioner.

SWORN (OR AFFIRMED) BEFORE ME at
the city/town of _____,
in the province of British Columbia, this
_____ day of _____, _____.
[1st, etc.] [month] [year]

A commissioner for taking affidavits for British Columbia

[Print name or affix stamp of commissioner.]

) _____
Signature of affiant

Affidavit in Support of Application for Extension of Time to Appeal

[The court handling your appeal.]

- CA** Court of Appeal for BC
 - SC** Supreme Court of BC

Registry

REGINA

Respondent

v.

Appellant

I, _____,
[name, occupation, and address of appellant]

MAKE OATH (OR SOLEMNLY AFFIRM) AND SAY THAT:

1. I am the appellant and personally know about the matters referred to in this Affidavit, except where they are based on information and belief, in which case I believe them to be true.

2. _____

I swear (or affirm) this Affidavit in support of an application that the Court or a Judge of that Court grant me an extension of time to appeal.

SWORN (OR AFFIRMED) BEFORE ME at)

the city/town of _____,)

in the province of British Columbia, this)

____ day of _____, _____.)
[1st, etc.] [month] [year]

A commissioner for taking affidavits for
British Columbia

[Print name or affix stamp of commissioner.]

) _____ Signature of affiant

) _____

) _____

) _____ [Print name.]

Letter of Authority (Exhibit A)

Tick one or the other.

[The court handling your appeal.]

- CA** Court of Appeal for BC
 SC Supreme Court of BC

Legal Aid BC
400 – 510 Burrard Street
Vancouver BC V6C 3A8

Attention: Appeals

I intend to apply under section 684 of the Criminal Code for assignment of counsel in my appeal of my sentence of

Describe the sentence you're appealing. If you're also appealing a conviction, describe it too.

The registry where you filed your Notice of Appeal. Include the city. For example: "Court of Appeal for BC – Vancouver registry" or "Supreme Court of BC – Nelson registry."

Please send your letter with the following information to:

- 1 Whether you have refused me legal aid for my appeal.
- 2 Whether the refusal was for financial reasons.
- 3 The grounds of appeal you considered.
- 4 The materials from the trial record that you reviewed (enclosing a copy of those materials).

This is my authority for you to release this information in your letter to the court.

Once signed, make one photocopy of the letter. Send the **original** to Legal Aid BC:

Appeals Section
Legal Aid BC
400 – 510 Burrard Street
Vancouver, BC V6C 3A8

Don't forget to note down when you sent the letter.

JOHN DOE

[Print your name]

[your signature]

Dated at _____ on _____.
[city/town] [day, month, year]

Letter of Authority (Exhibit A)

[The court handling your appeal.]

CA Court of Appeal for BC

SC Supreme Court of BC

Legal Aid BC
400 – 510 Burrard Street
Vancouver BC V6C 3A8

Attention: Appeals

I intend to apply under section 684 of the Criminal Code for assignment of counsel in my appeal of my sentence of

Please send your letter with the following information to:

- 1 Whether you have refused me legal aid for my appeal.
- 2 Whether the refusal was for financial reasons.
- 3 The grounds of appeal you considered.
- 4 The materials from the trial record that you reviewed
(enclosing a copy of those materials).

This is my authority for you to release this information in your letter to the court.

[Print your name]

[your signature]

Dated at _____ on _____.
[city/town] [day, month, year]

Notice of Motion/Application for Appointment of Counsel

Tick one or the other.

[The court handling your appeal.]

- CA Court of Appeal for BC
 SC Supreme Court of BC

The court file number of your appeal (not your trial). The court's reply to your Notice of Appeal should have this number.

The city (or town) of your appeal court (where you've been filing your forms).

Your full name.

Street address of your appeal court. This is where your hearing for a court-appointed lawyer will be. If it's by videoconference, it's where the judge is.

If you're in custody, put "a date to be set by the Registrar." If you're not in custody, contact the registry for help with setting a date for the hearing.

You'll also be filling out an affidavit (page 51). When you swear or affirm the affidavit in front of a commissioner, write down the date here.

[The court handling your appeal.]

- CA Court of Appeal for BC
 SC Supreme Court of BC

Court File No. _____

Registry _____

REGINA

Respondent

v.
JOHN DOE

Appellant/Applicant

TAKE NOTICE that an application will be made by JOHN DOE

the appellant, to the Presiding Judge in Chambers at the Courthouse at

_____ in the city of _____

in the province of British Columbia, at 9:30 in the morning on

A DATE TO BE SET BY THE REGISTRAR

for an Order that counsel be assigned on behalf of the appellant, pursuant to section 684 of the Criminal Code.

AND TAKE NOTICE that in support of the application will be read the affidavit of

JOHN DOE

, the appellant, sworn

on _____.

[day, month, year]

Dated at the CITY of VANCOUVER in the

[write "city" or "town"]

[city/town]

Province of British Columbia, this _____ day of _____, 20_____.
[1st, etc.] [month] [year]

Your signature.

[Signature of appellant/applicant]

Put "Court of Appeal for BC" or
"Supreme Court of BC."

[Print name]

Street address of your
appeal court.

TO: The Registrar,

AND TO: Crown counsel

Street address of the Crown
counsel. Ask the registry for
the address.

If you're in custody, the name
and address of your institution.
If you're not in custody, your
home address (not a PO box),
as well as a phone number and
email address (if you have one).

This NOTICE OF MOTION/NOTICE OF APPLICATION is filed by

JOHN DOE

, appellant, whose address for service is

Notice of Motion/Application for Appointment of Counsel

[The court handling your appeal.]

CA Court of Appeal for BC

SC Supreme Court of BC

Court File No. _____

_____ Registry

REGINA

Respondent

v.

_____ Appellant/Applicant

TAKE NOTICE that an application will be made by _____,

the appellant, to the Presiding Judge in Chambers at the Courthouse at

_____ in the city of _____

in the province of British Columbia, at 9:30 in the morning on

_____ for an Order that counsel be assigned on behalf of the appellant, pursuant to

section 684 of the Criminal Code.

AND TAKE NOTICE that in support of the application will be read the affidavit of .

_____, the appellant, sworn

on _____. _____.

[day, month, year]

Dated at the _____ of _____ in the _____
[write "city" or "town"] [city/town]

Province of British Columbia, this _____ day of _____, 20____.
[1st, etc.] [month] [year]

[Signature of appellant/applicant]

[Print name]

TO: The Registrar, _____

AND TO: Crown counsel _____

This NOTICE OF MOTION/NOTICE OF APPLICATION is filed by
_____, appellant, whose address for service is

Affidavit for Appointment of Counsel

This affidavit contains the reasons why you think the court should arrange a lawyer for your appeal.

Tick one or the other.

[The court handling your appeal.]

CA Court of Appeal for BC

SC Supreme Court of BC

The court file number of your appeal (not your trial). The court's reply to your Notice of Appeal should have this number.

The city (or town) of your appeal court.

You're the **appellant** (the one making an appeal).

Street address if you're not in custody.

If you're in custody, the name of your institution.

Fill out paragraphs 2 to 10 as accurately as you can.

Write "**was**" and "**were**" if you're in custody.

If you were on social assistance or disability, fill that in here. If you had a job, attach a recent tax return as an **exhibit** (supporting material attached to an affidavit).

Write "**were**" if you're in custody.

Court File No. _____

Registry _____

REGINA

Respondent

v.
JOHN DOE

Appellant

I, JOHN DOE, presently residing at _____

in the _____ of _____ in the province of
[write "city" or "town"] [city/town]

British Columbia, MAKE OATH (OR SOLEMNLY AFFIRM) AND SAY AS FOLLOWS:

- 1 I am the appellant and personally know about the matters referred to in this Affidavit, except where they are based on information and belief, in which case I believe them to be true.
- 2 I cannot afford a lawyer because of my financial circumstances:

a) My income _____ \$ _____ /year.
["is" (or "was")]

My sources of income _____ as follows:
["are" (or "were")]

b) My expenses _____ \$ _____ /month. They include:
["are" (or "were")]

c) My debts total \$_____.

For example, a car, RRSPs, your current bank account balance.

d) All the things that I own have a value of \$_____. They include:

Provide other important details about your financial situation. Do you have family members who could possibly lend you money?

The highest grade you reached.

The date you were refused legal aid (on the refusal letter).

The day you sent the Letter of Authority (page 47) to Legal Aid BC. See page 21.

List what you think were errors in the court's decision.

An example would be "it involves the calculation of multiple sentences and the credit granted for pre-sentence custody."

For example: "the judge erred in principle and the sentence is too harsh."

e) Other relevant information is as follows:

3 I am not able to present the appeal myself. I have no legal training and my education level is: _____

4 I have been refused legal aid. I applied for legal aid but was refused on the _____ day of _____, 20_____.
[1st, etc.] [month] [year]

5 On the _____ day of _____, 20_____.
[1st, etc.] [month] [year]

I sent a letter to Legal Aid BC authorizing the release of the materials on my appeal to the registry. A copy of this letter is attached. It is marked Exhibit A.

6 At the appeal I will be arguing the following points: _____

7 I need a lawyer to argue my case because I do not have the necessary skills to organize the facts, research the law, and present the case myself.

8 I believe that my case is complex because: _____

9 I believe that my case will succeed because: _____

"I have not appealed at a lower court": This is your first appeal.
"I have appealed at a lower court": You appealed to the Supreme Court of BC, the appeal was dismissed, and now you're trying again in the Court of Appeal. List the city (or town) of the Supreme Court. The date is when the appeal court judge made their decision.

The commissioner fills out the place and date, and signs. ("Me" is the commissioner.) Write down this date on your Notice of Motion/Application (page 49).

Your signature. Don't sign until you're in front of a commissioner.

10 I _____ appealed at a lower court
["have not" or "have"]
at _____

on the _____ day of _____, 20_____
[1st, etc.] [month] [year]

I swear (or affirm) this Affidavit in support of an application that the Court or a Judge of that Court assign counsel to act on my behalf.

SWORN (OR AFFIRMED) BEFORE **ME** at _____
 the city/town of _____,
 in the province of British Columbia, this
 _____ day of _____, [month] [year].
 [1st, etc.]

A commissioner for taking affidavits for
 British Columbia

[Print name or affix stamp of commissioner.]

your
dia-
t

Affidavit for Appointment of Counsel

[The court handling your appeal.]

CA Court of Appeal for BC

SC Supreme Court of BC

Court File No. _____

_____ Registry

REGINA

Respondent

v.

Appellant

I, _____, presently residing at _____

or incarcerated at _____

in the _____ of _____ in the province of
[write "city" or "town"] [city/town]

British Columbia, MAKE OATH (OR SOLEMNLY AFFIRM) AND SAY AS FOLLOWS:

- 1 I am the appellant and personally know about the matters referred to in this Affidavit, except where they are based on information and belief, in which case I believe them to be true.
- 2 I cannot afford a lawyer because of my financial circumstances:

a) My income _____ \$ _____ /year.
["is" (or "was")]

My sources of income _____ as follows:
["are" (or "were")]

b) My expenses _____ \$ _____ /month. They include:
["are" (or "were")]

c) My debts total \$_____.

d) All the things that I own have a value of \$_____. They include:

e) Other relevant information is as follows:

3 I am not able to present the appeal myself. I have no legal training and my education level is: _____

4 I have been refused legal aid. I applied for legal aid but was refused on the _____ day of _____, 20_____.
[1st, etc.] [month] [year]

5 On the _____ day of _____, 20_____.
[1st, etc.] [month] [year]

I sent a letter to Legal Aid BC authorizing the release of the materials on my appeal to the registry. A copy of this letter is attached. It is marked Exhibit A.

6 At the appeal I will be arguing the following points: _____

7 I need a lawyer to argue my case because I do not have the necessary skills to organize the facts, research the law, and present the case myself.

8 I believe that my case is complex because: _____

9 I believe that my case will succeed because: _____

10 I _____ appealed at a lower court
["have not" or "have"]
at _____

on the _____ day of _____, 20_____
[1st, etc.] [month] [year]

I swear (or affirm) this Affidavit in support of an application that the Court or a Judge of that Court assign counsel to act on my behalf.

SWORN (OR AFFIRMED) BEFORE ME at)

the city/town of _____,)

)
in the province of British Columbia, this

day of , .
[1st, etc.] [month] [year]

Notice of Application for Release from Custody Pending Determination of Appeal

You're the **appellant** (the one making an appeal).

This is the date of your bail hearing. Ask the court registry if you can keep this blank and if they can help you set a date. If not, you'll have to look at the judge's schedule and contact Crown counsel to see when they're free. Crown needs at least two days' notice.

The city of your appeal court.

Fill in this section if you're appealing your conviction at the same time. Keep it blank if you're appealing just your sentence.

Provincial Court: **the Honourable Judge** [last name].
Supreme Court of BC:
the Honourable [Mr. or Madam] Justice [last name].

For example, **theft, forgery, etc.**

When were you convicted?

For example: "Three months' jail and a one-year probation order." For more than one offence, you can put the total sentence ("a total of three years' jail") or break it down.

Provincial Court: **the Honourable Judge** [last name].
Supreme Court of BC:
the Honourable [Mr. or Madam] Justice [last name].

When were you sentenced?

For example, **theft, forgery, etc.**

COURT OF APPEAL

REGINA

v.

JOHN DOE

Respondent

Appellant

TAKE NOTICE that an application will be made on _____
[day, month, year]

at _____ to a Justice of the Court for an order that the
[city]

appellant be released from custody pending the determination of his or her

appeal against his or her conviction at _____
[city/town where convicted]

by _____
[judge]

on the _____ day of _____, 20_____.
[1st, etc.] [month] [year]

Or

against the sentence of _____
[sentence]

imposed on him or her at _____
[city/town where sentenced]

by _____
[judge]

on the _____ day of _____, 20_____, after conviction of the appellant of
[1st, etc.] [month] [year]

against the sentence of _____
[offence]

Your current city or town, and the date you sign this form. → Dated at _____ this _____ day of _____, 20 _____.
[city/town] [1st, etc.] [month] [year]

Your signature. → _____
[signature of appellant or his or her solicitor]

Print your name. → _____
[Print the name of appellant or solicitor.]

If you're in custody, just put the name of your institution.
If you're not in custody, put your address here. It can't be a PO box. → _____
[name and address for service of solicitor, or, if no solicitor, an address, not being a prison, where documents may be served on the appellant if he or she is not in custody]

City of your appeal court. → To the Registrar of the Court at _____

Notice of Application for Release from Custody Pending Determination of Appeal

COURT OF APPEAL

REGINA

Respondent

v.

Appellant

TAKE NOTICE that an application will be made on _____
[day, month, year]

at _____ to a Justice of the Court for an order that the
[city]

appellant be released from custody pending the determination of his or her
appeal against his or her conviction at _____
[city/town where convicted]

by _____ of
[judge]

_____ [offence]

on the _____ day of _____, 20_____.
[1st, etc.] [month] [year]

Or

against the sentence of _____
[sentence]

imposed on him or her at _____
[city/town where sentenced]

by _____
[judge]

on the _____ day of _____, 20_____, after conviction of the appellant of
[1st, etc.] [month] [year]

_____ [offence]

Dated at _____ this _____ day of _____, 20 _____.
[city/town] [1st, etc.] [month] [year]

[signature of appellant or his or her solicitor]

[Print the name of appellant or solicitor.]

[name and address for service of solicitor, or, if no
solicitor, an address, not being a prison,
where documents may be served
on the appellant if he or she is not in custody]

To the Registrar of the Court at _____

Notice of Application for Release from Custody Pending Determination of Appeal or Stay of Probation Order or Driving Prohibition

SUPREME COURT OF BRITISH COLUMBIA

REGINA

v.

JOHN DOE

Respondent

You're the **appellant**
(the one making an appeal).

This is the date of your bail hearing. You can keep the date and time blank. (The time is usually 9:30 am, sometimes 9 am.) Ask the court registry if they can help you set a date. If they can't help, look at the judge's schedule and contact Crown counsel to see when they're free.

Cross out "b" and "c," unless you're out of custody and want these things. (See page 9.)

Fill in this section if you're appealing your conviction at the same time. Keep it blank if you're appealing just your sentence.

Write "**the Honourable Judge**" before the last name. (This title is for judges in Provincial Court.)

For example, **theft, forgery**, etc.

When were you convicted?

For example: "Three months' jail and a one-year probation order." For more than one offence, you can put the total sentence ("a total of three years' jail") or break it down.

TAKE NOTICE that an application will be made on the _____ day of
[1st, etc.]

_____, 20_____, at _____ to the court for an order that:

[month] [year] [time]

- (a) the appellant be released from custody
- (b) the probation order in this matter be stayed
- (c) the driving prohibition in this matter be stayed

pending the determination of the appeal against the appellant's conviction at

by _____
[city where convicted] [judge]

of _____
[offence]

on the _____ day of _____, 20_____.
[1st, etc.] [month] [year]

OR

pending the determination of the appeal against the appellant's sentence of

[sentence]

imposed at _____ by _____
[city where sentenced] [judge]

on the _____ day of _____, 20_____, after conviction of the
[1st, etc.] [month] [year]

appellant of _____
[offence]

Your current city or town, and
the date you sign this form. → Dated at _____ this _____ day of _____, 20_____.
[city/town] [1st, etc.] [month] [year]

Your signature. → _____
[signature of appellant or his or her counsel]

Print your name. → _____
[Print the name of appellant or counsel.]

If you're in custody, just put the
name of your institution.
If you're not in custody, put
your address here. It can't be a
PO box. → _____
[name and address for service of counsel, or, if no
counsel, an address other than a prison
where documents may be served
on the appellant if he or she is not in custody]

The city (or town) of your appeal
court. → _____

To the Registrar of the Court at _____

[Will you be applying in person or in writing?]

- The Appellant acts on his or her own behalf and wishes
to make this application **in person**.
- The Appellant acts on his or her own behalf and wishes
to make this application **in writing**.

**Notice of Application for Release from Custody Pending Determination
of Appeal or Stay of Probation Order or Driving Prohibition**

SUPREME COURT OF BRITISH COLUMBIA

REGINA

Respondent

v.

Appellant

TAKE NOTICE that an application will be made on the _____ day of
[1st, etc.]

_____, 20_____, at _____ to the court for an order that:
[month] [year] [time]

- (a) the appellant be released from custody
- (b) the probation order in this matter be stayed
- (c) the driving prohibition in this matter be stayed

pending the determination of the appeal against the appellant's conviction at

_____ by _____
[city where convicted] [judge]

of _____
[offence]

on the _____ day of _____, 20_____.
[1st, etc.] [month] [year]

OR

pending the determination of the appeal against the appellant's sentence of

[sentence]

imposed at _____ by _____
[city where sentenced] [judge]

on the _____ day of _____, 20_____, after conviction of the
[1st, etc.] [month] [year]

appellant of _____
[offence]

Dated at _____ this _____ day of _____, 20_____.
[city/town] [1st, etc.] [month] [year]

[signature of appellant or his or her counsel]

[Print the name of appellant or counsel.]

[name and address for service of counsel, or, if no
counsel, an address other than a prison
where documents may be served
on the appellant if he or she is not in custody]

To the Registrar of the Court at _____

[Will you be applying in person or in writing?]

- The Appellant acts on his or her own behalf and wishes to make this application **in person**.
- The Appellant acts on his or her own behalf and wishes to make this application **in writing**.

Affidavit in Support of Application for Release from Custody Pending Determination of Appeal

General rules for affidavits: Stick to the facts (not opinions). Keep it simple, organized, and short.

Tick one or the other.

[The court handling your appeal.]



Court of Appeal for BC



Supreme Court of BC

The court file number of your appeal (not your trial). The court's reply to your Notice of Appeal should have this number.

The city (or town) of your appeal court.

You're the **appellant** (the one making an appeal).

Print your name again, with your job and address. If you're in custody, it's the job you had before you were jailed. List the name of the institution (you don't need to put the address).

Number your paragraphs. After 1, put 2, 3, etc. for each paragraph. You can also use headings if you want to group the information.

Include:

- A list of all the places you've lived in the three years (at least) before you were sentenced
- Where you plan to live if you're released
- Where you worked (and your employer's name) before you were in custody
- What kind of work you'll probably get if you're released
- Relatives or friends who are willing to act as your surety, and their addresses
- Any criminal convictions you received during the five years before the sentence you're appealing. List the offences, and sentences you received. You may include anything to show that the offences aren't as bad as they sound, as long as it's true.

Court File No. _____

Registry _____

REGINA

Respondent

v.

JOHN DOE

Appellant

I, _____, _____, _____,
[name, occupation, and address of appellant]

MAKE OATH (OR SOLEMNLY AFFIRM) AND SAY THAT:

1. I am the appellant and personally know about the matters referred to in this Affidavit, except where they are based on information and belief, in which case I believe them to be true.

2. _____

Your draft

If you need one extra page for your affidavit, use the back of the first page. For more pages, you'll need blank paper. After you're finished, add page numbers to the bottom of your affidavit.

Make sure at least one line of the last numbered paragraph is included on this signature page.

If three pages aren't enough for your affidavit, insert a page or pages before this last page.

I swear (or affirm) this Affidavit in support of an application that the Court or a Judge of that Court grant me a release from custody pending determination of appeal.

The commissioner fills out the place and date, and signs. ("Me" is the commissioner.)

Your signature. Don't sign until you're in front of a commissioner.

SWORN (OR AFFIRMED) BEFORE ME at
the city/town of _____,
in the province of British Columbia, this
____ day of _____, _____.
[1st, etc.] [month] [year]

A commissioner for taking affidavits for British Columbia

[Print name or affix stamp of commissioner.]

) Signature of affiant

Affidavit in Support of Application for Release from Custody Pending Determination of Appeal

[The court handling your appeal.]

- CA** Court of Appeal for BC
 - SC** Supreme Court of BC

Court File No. _____

Registry

REGINA

Respondent

v.

Appellant

[name, occupation, and address of appellant]

MAKE OATH (OR SOLEMNLY AFFIRM) AND SAY THAT:

1. I am the appellant and personally know about the matters referred to in this Affidavit, except where they are based on information and belief, in which case I believe them to be true.

I swear (or affirm) this Affidavit in support of an application that the Court or a Judge of that Court grant me a release from custody pending determination of appeal.

SWORN (OR AFFIRMED) BEFORE ME at)
the city/town of _____,)
in the province of British Columbia, this)
____ day of _____, [month], [year].)

[1st, etc.])
[month])
[year])

A commissioner for taking affidavits for
British Columbia

[Print name or affix stamp of commissioner.]

) Signature of affiant

)

)

)

)

) [Print name.]

Appellant's Statement

[The court handling your appeal.]

Tick one or the other.

The court file number of your appeal (not your trial). The court's reply to your Notice of Appeal should have this number.

The city (or town) of your appeal court.

Name of the judge:
Provincial Court: **Judge**
[last name].
Supreme Court of BC:
[Mr. or Madam] **Justice**
[last name].

Was your trial at **Provincial Court** or **Supreme Court**?

The day you were sentenced.

CA Court of Appeal for BC

SC Supreme Court of BC

File No. _____

Registry _____

ON APPEAL FROM the order of the Honourable _____

of the _____ of British Columbia

pronounced on the _____ day of _____, 20 _____.
[1st, etc.] [month] [year]

Your full name. _____

REGINA

v.

JOHN DOE

Respondent

Appellant

APPELLANT'S STATEMENT ON SENTENCE

This means you're a **self-represented litigant** (you're your own lawyer). Put "his" if you're male.

Fill in the name of the Crown counsel.

APPELLANT, ON HER OWN BEHALF

[Name of appellant's counsel]

[Name of respondent's counsel]

[Address of appellant]

[Address of respondent]

Appellant's Statement

[The court handling your appeal.]

CA Court of Appeal for BC

SC Supreme Court of BC

File No. _____

_____ Registry

ON APPEAL FROM the order of the Honourable _____

of the _____ of British Columbia

pronounced on the _____ day of _____, 20 _____.
[1st, etc.] [month] [year]

REGINA

Respondent

v.

_____ Appellant

APPELLANT'S STATEMENT ON SENTENCE

[Name of appellant's counsel]

[Name of respondent's counsel]

[Address of appellant]

[Address of respondent]

Speaking Notes

Fill this out and take it to your appeal hearing. Try to point to the specific parts of the transcripts to support the facts as you relate them to the court.

The reasons or grounds for my sentence appeal:

- The sentence is excessive.
- The sentence is illegal.
- There was an error in principle.

The length and type of sentence I think are appropriate for the offence and for me (the offender): _____

The particulars of my sentence:

Date of the offence: _____

Date I was sentenced: _____

The sentence: _____

My offence: _____

If I received more than one sentence:

Whether it was **concurrent** (to be served at the same time as another sentence) or **consecutive** (to be served after another sentence)

Whether a co-accused was involved: **yes / no** [circle]

If yes, what sentence I received: _____

My personal history:

Age: _____

Education: _____

Family situation: _____

Aboriginal background (if applicable): _____

Employment history: _____

Criminal record: _____

The circumstances of the offence:

It was premeditated. / It happened on the spur of the moment. [circle]

Whether violence was involved or a weapon was used: _____

What I did (my participation in the offence): _____

My attitude toward the offence:

Why I pleaded guilty, if I did: _____

Whether I'm remorseful (feel badly about what I did): _____

The pre-sentence report recommendation:

Whether the probation officer said anything in the pre-sentence report that might persuade the court to reduce my sentence: _____

My plans upon release:

Residence: _____

Work: _____

Education: _____

Counselling: _____

Drug treatment program: _____

Notice of Abandonment of Appeal

[The court handling your appeal.]

Tick one or the other.

CA Court of Appeal for BC

SC Supreme Court of BC

The court file number of your appeal (not your trial). The court's reply to your Notice of Appeal should have this number.

File No. _____

You're the **appellant**. Write down your full name.

REGINA

v.

JOHN DOE

Respondent

Appellant

If you also appealed your conviction at the same time, check off the first box too.

I hereby give notice that I, JOHN DOE, abandon this appeal for:

Tick this box.

Conviction appeal

Sentence appeal

Other (specify nature of appeal) _____

Your signature. Sign in front of another person (a witness).

Dated at _____, British Columbia, this _____ day of
[city/town] [1st, etc.]

[month]

20_____.
[year]

Print your name.

[Signature of appellant or his or her solicitor]

[Print the name of appellant or solicitor.]

The signature and printed name of a witness. (This doesn't have to be a commissioner.)

Where signed by the appellant, this notice was signed in the presence of:

[Witness]

[Print name of witness.]

To the Respondent

To the Registrar

Notice of Abandonment of Appeal

[The court handling your appeal.]

CA Court of Appeal for BC

SC Supreme Court of BC

File No. _____

REGINA

Respondent

v.

Appellant

I hereby give notice that I, _____, abandon this appeal for:

Conviction appeal

Sentence appeal

Other (specify nature of appeal) _____

Dated at _____, British Columbia, this _____ day of
[city/town] [1st, etc.]

_____, 20 _____.
[month] [year]

[Signature of appellant or his or her solicitor]

[Print the name of appellant or solicitor.]

Where signed by the appellant, this notice was signed in the presence of:

[Witness]

[Print name of witness.]

To the Respondent

To the Registrar

Definitions



684 application — An application for a court-appointed lawyer. Section 684 of the Criminal Code says that everyone has a right to a lawyer and that the court will arrange for one.

affidavit — A written statement of facts. You swear or affirm an affidavit to show that the facts are true. See “swear or affirm an affidavit.”

appeal — To ask a higher court to review a lower court’s decision.

appeal hearing — When you go to court to present your case (or have your lawyer present your case) for your appeal in front of a judge or judges.

appeal period — The 30 days after the day you were sentenced. The 30th day is the deadline for filing a Notice of Appeal.

appellant — The person making the appeal.

application — A form you file to apply for something in court that leads to a court hearing and court order.

case law — Court decisions, or judgments (decisions made by a judge), that may affect future cases.

case management — For appeals, it refers to meetings with a case-management judge when the appeal is not moving forward as expected and to make sure the appellant knows what to do next.

citation — The name of a case or act (legislation), along with letter and number codes of the court, year, edition, location, and so on.

commissioner for taking affidavits — A person who has the power to hear and accept oaths and affirmations. They help you swear or affirm an affidavit.

conviction — You have a conviction if the court finds you guilty of a crime.

court-appointed lawyer — A lawyer arranged by the court.

court registry — Where official records are filed and kept at the courthouse.

Crown counsel — The prosecutor in your appeal. *Counsel* means lawyer.

dismiss an appeal — To reject an appeal.

division — In the Court of Appeal for BC, there are three judges at the appeal hearing. The three judges are called a division.

file — When you fill out a legal document and send it to the right court, it’s filed — that is, stamped and usually kept at the court registry. The date it was stamped is the filing date.

Gladue factors — The challenges you face as an Aboriginal person.

grant — Allow or give.

grounds for appeal — Reasons for appealing.

hearing — A court appearance in front of a judge (or judges) that generally isn’t as long as a trial. When you apply for an appeal, the court decides at the appeal hearing whether to grant you one. There are also hearings if you want an extension, a court-appointed lawyer, or a release on bail.

indictable offence (*in-DITE-a-bull*) — Generally more serious than a summary offence, and carries a heavier sentence.

leave — Permission. You need the court’s permission to introduce new evidence, for example.

legislation — Written laws, including acts and statutes.



Definitions

limited 684 — When you apply for a court-appointed lawyer, the court may decide to give you extra help with the application. They get another lawyer to make the case that you should get a court-appointed lawyer.

merit — An appeal has merit when it has a good chance of succeeding.

Notice of Appeal — The court form you fill out and file to let the court know that you want to appeal your conviction and/or sentence.

offence — The crime you're charged with. There are less serious offences (summary) and more serious offences (indictable). Some offences carry minimum mandatory sentences.

order — A court order is a judge's formal instructions to do or not do something.

party — There are two parties in a court case. In a criminal appeal, the other party is the Crown. The word is also used when you order transcripts — you are the "ordering party."

pre-hearing conference — A meeting with the judge and the other party before a hearing.

registry — See **court registry** above.

represent — Be someone's lawyer.

self-represented litigant (SRL) — When a person acts as their own lawyer.

sentence — The punishment for someone found guilty of a crime.

serve — To give a court document to the other party.

set aside — To cancel or make void.

solicitor — Used on some forms to mean "lawyer."

stay an order — To stop a court order. The stay can be temporary.

summary offence — Generally less serious than an indictable offence, and carries a lower maximum sentence.

surety (*SHUR-ri-tee*) — When you're released on bail, a surety is someone who makes sure that you follow the rules and conditions, and that you go to court when you have to. They may have to pay money if you break these bail terms. They have to show that they have assets or property so they can pay if necessary.

swear or affirm an affidavit — In front of a commissioner, you swear under oath or affirm that the affidavit contains true facts. Then you both sign the affidavit. Lying under oath is a very serious crime (perjury).

sworn — Past tense of "swear."

transcript — A typed record of everything that was said in a trial or sentencing hearing.

Notes





Notes

Provincial Court of British Columbia



Provincial Court registries: Some Provincial Courts have the same address and phone number as the Supreme Court. Page 16 lists the Supreme Court registries. If you don't see where you were sentenced below, it may have been at a temporary court (a **circuit court**). Call the registry nearest to where you were sentenced. If you can, call beforehand to make sure the address hasn't changed. (Or go to www2.gov.bc.ca and look up "courthouse locations.")

Abbotsford
32203 South Fraser Way
Abbotsford, BC V2T 1W6
604-855-3200

Burns Lake
PO Box 251
508 Yellowhead Highway
Burns Lake, BC V0J 1E0
250-692-7711

Campbell River
Chilliwack
Courtenay
Cranbrook
Dawson Creek
Duncan
Fort Nelson
Fort St. John
Golden
Kamloops
Kelowna
Same as Supreme Court (page 16).

Mackenzie
PO Box 2050
64 Centennial Drive
Mackenzie, BC V0J 2C0
250-997-3377

Nanaimo
Nelson
New Westminster
Same as Supreme Court (page 16).

North Vancouver
200 East 23rd Street
North Vancouver, BC V7L 4R4
604-981-0200

Penticton
Port Alberni
Same as Supreme Court (page 16).

Port Coquitlam
Unit A, 2620 Mary Hill Road
Port Coquitlam, BC V3C 3B2
604-927-2100

Port Hardy
Box 279, 9300 Trustee Road
Port Hardy, BC V0N 2P0
250-949-6122

Powell River
Prince George
Prince Rupert
Quesnel
Same as Supreme Court (page 16).

Richmond
7577 Elmbridge Way
Richmond, BC V6X 4J2
604-660-6900

Rossland
Salmon Arm
Same as Supreme Court (page 16).

Sechelt
Box 160, 5480 Shorncliffe Avenue
Sechelt, BC V0N 3A0
604-740-8929

Smithers
Same as Supreme Court.

Surrey
14340 – 57th Avenue
Surrey, BC V3X 1B2
604-572-2200

Terrace
Same as Supreme Court (page 16).

Valemount
1300 4th Avenue, PO Box 125
Valemount, BC V0E 2Z0
250-566-4652

Vancouver
222 Main Street
Vancouver, BC V6A 2S8
604-660-4200

Downtown Community Court
211 Gore Avenue
Vancouver, BC V6A 0B6
604-660-8754

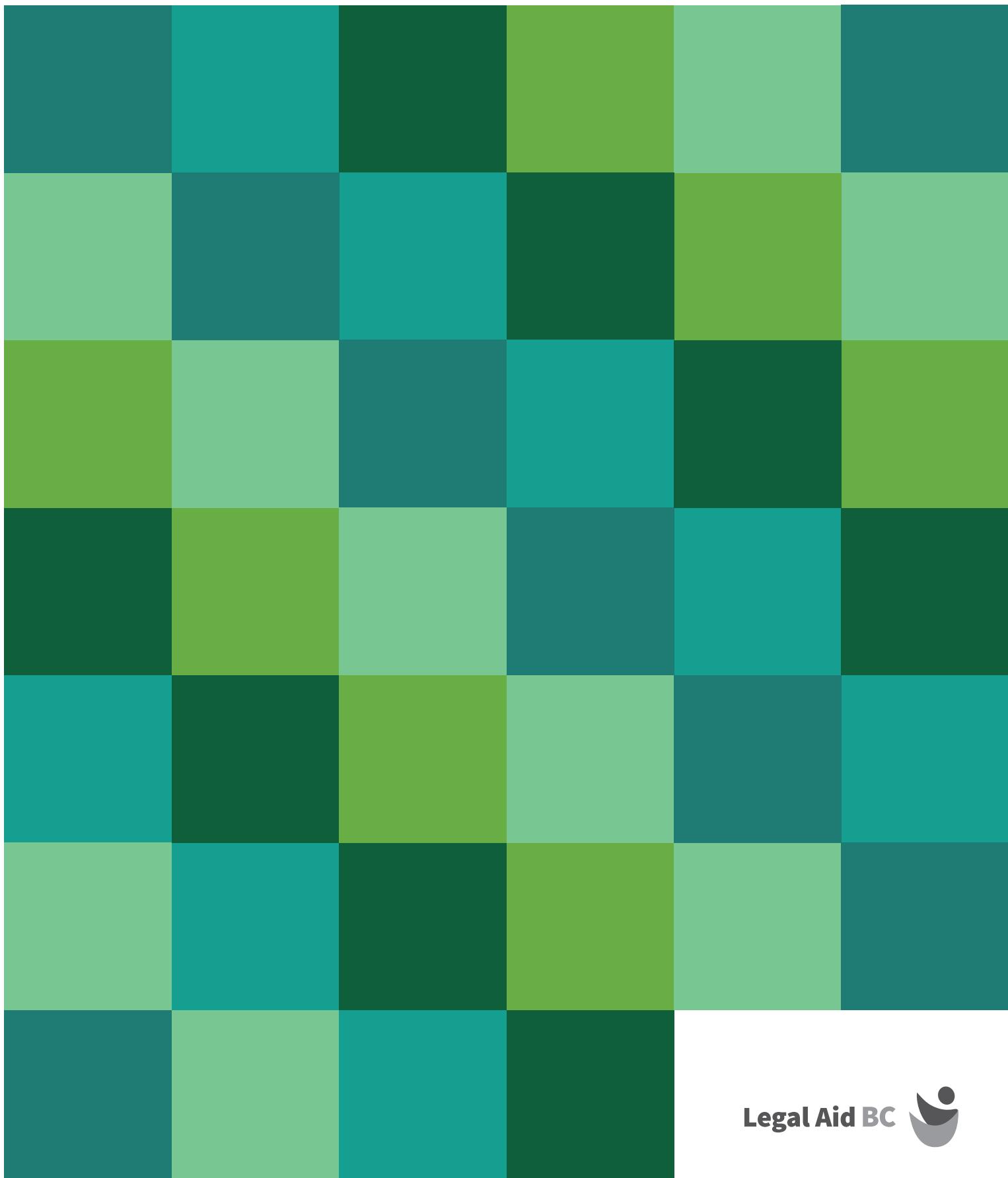
Vernon
Victoria
Same as Supreme Court (page 16).

*For communities west
of Victoria (Colwood):*
1756 Island Highway
PO Box 9269
Victoria, BC V9B 1H8
250-391-2888

Williams Lake
Same as Supreme Court (page 16).

Prisoners' Legal Services: If you're in custody and think that you were treated unfairly or harshly or that your human rights were abused, you can call Prisoners' Legal Services for legal help. (Note: They can't help you with your appeal.) You may want to call them if:

- You're being charged with an offence at your institution.
 - You're in segregation.
 - You're being denied health care.
 - You're recommended to be transferred to higher security.
 - You had your parole suspended.
 - You're being recommended for detention past your statutory release date.
- Call Legal Aid BC's prisoners-only line: 1-888-839-8889
Tell them you want help from Prisoners' Legal Services and ask for a referral. After you get a referral, call:
From a federal institution: **1-866-577-5245**
From a provincial institution: **604-636-0464**
(no long-distance charges)



legalaid.bc.ca

Legal Aid BC 