

**COURT OF APPEAL OF ALBERTA
JUDICIAL INTERIM RELEASE (Bail) APPLICATIONS - CHECK/RETURN FORM**

This checklist return form provides an itemized summary of the most common problems when filing documents in the Court of Appeal. However, this form does not include each requirement of the Alberta Rules of Court and Practice Directions. Accordingly, you should rely on the appropriate authority when preparing a document for filing in the Court of Appeal.

- A. **Commencement Document Required (Rule 860A(1)):**
No application for release from custody pending the determination of an appeal shall be entertained unless the applicant has filed with the Registrar a notice of appeal or an application for leave to appeal.
- B. **No Judicial Interim Release on Summary Conviction Appeals unless Leave to Appeal Granted (Consolidated Practice Directions (CPD) Part F.9(d)):**
There can be no judicial interim release before leave to appeal is granted on a Summary Conviction Appeal (see CPD Part F.9 for further details). An application for leave to appeal may be combined and heard with an application for release pending appeal. (Rule 860A(3))
- C. **No Judicial Interim Release on Sentence Only Appeals unless Leave to Appeal Granted (Rule 860A(2))**
There can be no judicial interim release before leave to appeal is granted on a Sentence Only Appeal. An application for leave to appeal may be combined and heard with an application for release pending appeal. (Rule 860A(3))
- D. **No Judicial Interim Release if Appeal or Motion for Leave to Appeal is Pending in Supreme Court of Canada unless Notice of Appeal or Application for Leave to Appeal is Filed and Served (Rule 860A(4))**
- E. **Appeal Books Must Be Ordered (CPD Part E.3(a)):**
The Court of Appeal will not grant an order for judicial interim release unless the appeal books have been filed, an order for the appeal books has been placed, or counsel undertakes that an order will be placed forthwith.
- F. **General Format of Document:**
Refer to the General Format - Check/Return form for formal requirements of all documents.
- G. **Copies Required:**
The Registry will keep the original and 2 copies of the notice of motion and all supporting documents.
- H. **Notice of Motion:**
Refer to the Notices of Motion - Justice Chambers (One Justice) - Check/Return Form for all requirements.

- I. **Affidavit (Rule 860B(2)A):**
Refer to the Affidavit - Check/Return Form for affidavit requirements. In addition the affidavit must state the following information with respect to the applicant:
 - (i) his places of abode in the three years preceding his conviction, and where he proposes to reside if released,
 - (ii) his employment, if any, prior to conviction, and whether he expects to be employed if released,
 - (iii) his criminal record, if any, including convictions outside Canada, and
 - (iv) whether criminal charges are, at the time of the application, pending against him, either in Canada or elsewhere.

- J. **Memorandum/Brief:**
A memorandum/brief in support or in opposition/response must be filed. See Memorandum/Brief - Check/Return Form.

- K. **Undertaking (Rule 860B(2)B):**
An undertaking of the applicant must be filed and must indicate that the applicant will surrender himself into custody in accordance with the terms of any order granted (see Form 12 of the Criminal Code). The said undertaking may form a part of the affidavit.

- L. **Reasons for Judgment:**
Reasons for judgment of the trial judge must be filed.

- M. **Order for Judicial Interim Release:**
Shall be prepared in the format described in Consolidated Practice Directions Part E.3(b) and (c) and Form A.

NOTE: Rule 840(6.1):
A conviction appeal is deemed to have been abandoned where the appellant's factum has not been filed and served within 4 months of the appeal book being readied. Where an appeal is deemed abandoned pursuant to this rule, and an order for judicial interim release is in effect, the applicant will be required to surrender themselves into custody.

Calgary Registry: (403) 297-2206
Edmonton Registry: (780) 422-2416

Form Revised: April 14, 2008

Access this form on the Alberta Court's website at www.albertacourts.ab.ca under Court of Appeal > Publications & Forms > Check/Return Forms > Judicial Interim Release (Bail) Applications