

**COURT OF APPEAL OF ALBERTA -
SENTENCE APPEAL RECORD - 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.

Note: All references to Part I are from the Consolidated Practice Directions of the Court of Appeal.

1. General Format of Document:

- Refer to the General Format - Check/Return form for formal requirements of all documents.

2. Parts of the appeal record (Part I.4(a)(i)):

- Part I Pleadings [as described in Part I.4(h)(i)],
- Part II Final Documents [as described in Part I.4(h)(ii)], and
- Part III Evidence [as described in Part I.4(f)].
- Extracts of Key Evidence (Part I.4(a)(ii)) if the parties so elect, prepared in accordance with Part I.4.1. Refer to Extracts of Key Evidence - Check/Return form for further information.

3. Volumes must be arranged in the following order (Part I.4(a)(iii)):

- 1st Volume The Appeal Digest, consisting of Part I (Pleadings) & Part II (Final Documents), and
- 2nd Volume Part III (Evidence).
- The Extracts of Key Evidence are to be separately indexed in accordance with Rule 537.2(1). Refer to Extracts of Key Evidence - Check/Return form for further information.
- When numbering volumes, use regular numbers, refer to each volume in relation to the total number of volumes and change the font size on only the word "Volume" and the corresponding numbers to size 18 point font (e.g. Volume 1 of 7).

4. Pages must be numbered consecutively as follows (Part I.4(a)(iv)):

- Part I Commence page numbering with page P1,
- Part II Commence page numbering with page F1,
- Part III Commence page numbering with page 1, and
- If a supplement to the appeal record is filed, the page numbering for that supplement must continue sequentially from the last number of the last page of the immediately preceding record to which that supplement relates.
- The Extracts of Key Evidence are to be paginated in accordance with Part I.4.1. Refer to Extracts of Key Evidence - Check/Return form for further information.

5. Where contents of Part I to III do not exceed 200 pages:

- Notwithstanding Part I.4(a) and (c), where the contents of Part I to III do not exceed 200 pages, all parts must be included in the appeal digest and be labelled accordingly. (Part I.4(d)).

6. Appeal Digest must contain the following documents, excluding the document backers when they are not needed to distinguish different suits, in chronological, ascending date order (Part I.4(h)):

- (i) Part I - the Pleadings which must include:
 - (1) the information or indictment,
 - (2) any amendments made at trial, and
 - (3) any other documents by which proceedings are commenced or by which the issues in the action are defined.
- (ii) Part II - the Final Documents, which must include:
 - (1) the formal certificate of conviction, certificate of acquittal, order of disposition, report of criminal trial, formal judgment or order appealed from,
 - (2) if by way of,
 - (a) guilty plea - reasons for judgment on sentence;
 - (b) finding of guilt - reasons for judgment on conviction and sentence; or
 - (c) jury trial - reasons for judgment on sentence; unless Part I.4(d) applies, in which case the information need only be included in Part III - Evidence,
 - (3) the Notice of Appeal,
 - (4) all final documents, such as pre-sentence or post-sentence reports including probation orders, weapons' prohibition, order granting leave, undertakings/recognizance and other like material,
 - (5) the "Ban on Publication and Similar Order" form, or any other similar document if one exists,
 - (6) Form K (Certificate of Preparer),
 - (7) if the appeal record has been prepared by anyone other than Transcript Management Services of Alberta Justice, Form M (Lawyer's Certificate), if the appellant is represented by counsel.
- and if the paper copy is longer than 200 pages, be split into separate volumes of approximately the same length.

7. Part III (Evidence) of the Appeal Record must (Part I.4(f)):

- (i) consist of
 - (1) Preamble/Appearances,
 - (2) Particulars,
 - (3) Speaking to sentence. If by way of:
 - (a) guilty plea - starting with arraignment;
 - (b) finding of guilt - starting with judgment; or
 - (c) jury trial - starting with finding of guilt,
 - (4) Sentence, and
 - (5) Certificate of Transcript in Form J.
- (ii) when evidence is in the form of a question and answer, the question must commence on a separate line and be preceded on that line by the letter Q, the answer must commence on a separate line following the line on which the question concludes and be preceded by the letter A and each new Q & A must be grouped together and preceded by a blank line,
- (iii) number every 5th line in the margin of each page, and
- (iv) contain single-spaced transcripts, subject to Part I.4(j).

8. Electronic copy of Part III - Transcripts (Part I.4(i)):

- An electronic copy of Part III, the evidence portion of the appeal record, must be

filed with the Registry in a format satisfactory to the Registrar [see Court of Appeal Consolidated Practice Direction B(4) - Adobe Acrobat format]. Electronic evidence must be submitted and approved prior to the paper copy appeal records being prepared or submitted for filing [see electronic appeal book manuals located at <https://www.albertacourts.ca/ca/efiling/>]. If a supplemental appeal record containing evidence must be filed and that evidence is in electronic form, an electronic copy of the evidence must be submitted prior to filing the paper copy unless otherwise ordered. In this case, a letter requesting the original electronic appeal record to be retracted must be filed and the new evidence will have to be added to the original Adobe file and resubmitted for filing.

9. Paper copies must (Part I.4(b)):

- (i) Have the original copy clearly marked as “original” at the top of the front cover of each original volume,
- (ii) Be printed or reproduced on one side of good quality, white, 8.5 by 11 inch paper, and be bound along the right edge so that the printed pages are to the left (unless otherwise specified),
- (iii) Be bound with heavy stock on the front and back covers, with Appeal Digest covers in red and Evidence covers in grey,
- (iv)(1) Contain a front cover and title page in the format set out in Form I, and be bound along the left edge of the paper so that the printed pages are to the right,
- The front cover must indicate whether the appeal record has been prepared in “electronic format” or “document format”,
- (iv)(2) Contain a comprehensive table of contents of all of Parts I, II and III at the beginning of each volume and be bound along the left edge of the paper so that the printed pages are to the right,
- If a supplement to the appeal record is filed after the initial filing of the appeal record, the supplement appeal record’s table of contents must be entitled “Supplemental Appeal Record - Table of Contents” and must only set out the contents of the supplemental appeal record. If the parts of the supplemental appeal record do not include Part I (Pleadings) or Part II (Final Documents), 5 extra copies of the Supplemental Appeal Record - Table of Contents must be provided to the clerk at the time of filing so that the clerk, for ease of reference, can staple a copy to the inside left cover of each of the appeal digests which were filed initially.
- (v) Contain legible material only or, if material does not photocopy well, provide a photocopy together with a typewritten transcript of the illegible text,
- (vi) Be printed or reproduced in type whose capital letters are at least 2.9 mm. high, whether or not the original is in smaller type, if need be reproducing one original sheet on 2 or more page.

10. Number of copies retained by the Registry (Part I.4(c)):

- (i) the original, one paper copy and one electronic copy [which must be approved by the Registry before paper copy appeal records can be filed - see section 8. above] of Part III, Evidence, and
- (ii) the original & 4 paper copies of Parts I and II, the Appeal Digest.
- The number of copies required does not include those copies required for

counsel. (Part I.4(e)).

11. Appeal Record Prepared/Filed (Part I.4(k)):

The appeal record must:

- (i) be prepared promptly and filed and served forthwith after it is prepared,
- (ii) be ordered, or its preparation begun by the appellant, before the expiration of three clear days from the filing of the notice of appeal, and
- (iii) in any event, on sentence appeals of six months or less, unless otherwise ordered by a judge, be filed no later than six weeks from the date the notice of appeal was filed.

12. Appeal struck (Part I.15):

Where one of the following conditions exist, and unless the appellant has been granted an extension of time for filing the sentence appeal record, the sentence factum or the extracts of key evidence (if applicable), a sentence appeal will be struck by the Registrar and automatically removed from the General Sentence Appeal List:

- (a) where the sentence appeal record, the appellant's sentence factum and the extracts of key evidence (if applicable) have not been filed within 4 months of the filing of the notice of appeal, or
- (b) where the sentence appeal record, the appellant's sentence factum and the extracts of key evidence (if applicable) have not been filed within 3 months of the dismissal or abandonment of the conviction appeal.
- A warrant will issue in the event that the appeal is struck under this subpart and the party is on judicial interim release.

13. Request for fiat (Part I.4(j)):

- An appeal record that does not materially conform to Part I.4(a) through (i) requires a fiat from a judge, the Registrar, the Deputy Registrar, or a Case Management Officer. A letter of consent or a notice of motion and supporting documentation is required pursuant to Part I.4(j)(i) or (ii).

Calgary Registry: (403) 297-2206

Edmonton Registry: (780) 422-2416

Form Revised: January 29, 2009

Access this form on the Alberta Court's website at www.albertacourts.ab.ca under Court of Appeal > Publications & Forms > Check/Return Forms > Sentence Appeal Record