

In the Court of Appeal of Alberta

BETWEEN:

Her Majesty the Queen

Appellant/Respondent

and

A.B.

Appellant/Respondent (Accused)

Appeal from the Sentence of
The Honourable Mr./Madam Justice _____
Dated the _____ day of _____, 20____
Filed the _____ day of _____, 20____
The Accused having pled guilty (if applicable)

SENTENCE FACTUM OF THE [APPELLANT/RESPONDENT]

For the Appellant
Appellant/Counsel's name
Address, telephone and fax number

For the Respondent
Respondent/Counsel's name
Address, telephone and fax number

Name, address, telephone and fax numbers of the individual or
organization filing the factum

BAN ON PUBLICATION STATUS (include applicable statute section):

¹ For further format details refer to the Alberta Courts' Website > Court of Appeal > Publications & Forms > Check/Return Forms > Factum - Check/Return Form and Part 1 of the Consolidated Practice Directions of the Court of Appeal.

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Sentence Appeal Questionnaire

[Pursuant to Parts I.5(a) and I.7 of the Court of Appeal Consolidated Practice Directions, the sentence appeal questionnaire will be the first document included in the appellant's sentence factum, following the table of contents. If the appellant is unrepresented, the sentence appeal questionnaire will be included in the respondent's sentence factum. The questionnaire must be prepared in the prescribed form as set out in Form B.]

Form B

(Schedule C)

Sentence Appeal Questionnaire

Part I:

The following information must be provided on the Questionnaire as the first page of the Sentence Factum:

1. Amount of time in custody before sentence.
2. (a) Date released on bail pending appeal.
(b) Was community service performed?
3. Serving time for other offences also?
4. Date of mandatory release from last offence (if applicable). Was he/she on other pre-release programs?
5. (a) Sentences given to co-accused and their offences.
(b) Their previous records are on p.____ of the _____.
6. (a) Does appellant have previous criminal record?
(b) If so, is it [sic] on p.____ of the _____.
7. Employment history, including current job: found on p.____ of the _____.
8. (a) Age at time of offence.
(b) Age now.
9. Any pre-sentence report, medical or psychological report? If so, found on p.____ of the _____. Drawn up for this case, or for earlier sentencing?
10. Any evidence of, or statement of effects of, the offence on the victim? If so, found on p.____ of the _____.

Part II:

Parties need not repeat the following on the questionnaire if the information has been properly included in the Notice of Appeal that was filed:

1. Court and judge convicting.
2. Was there a trial, or a guilty plea?
3. Was there a jury?
4. (a) Offences of which convicted (names and section numbers).
(b) Do any sentences include those by way of summary conviction?
5. (a) Sentences imposed.
(b) Total sentence then imposed.
(c) Any probation conditions? If so, found on p.____ of the _____.
6. (a) Date of sentence.
(b) Date of offence.

PART I - Statement of Facts

[Part 1.5(b) of the Court of Appeal Consolidated Practice Directions describes PART I - Statement of Facts as follows:

In the appellant's sentence factum this part shall be a concise statement of the facts. In the respondent's sentence factum this part shall be a concise statement of the respondent's position with respect to the appellant's statement of facts, including a concise statement of any other facts that the respondent considers relevant, including whether the respondent is conceding the appeal.

Each party may at the start of its respective part, state concisely what the party considers to be the legal issue or issues raised by the appeal.]

PART II - Grounds for Appeal

[Part 1.5(b) of the Court of Appeal Consolidated Practice Directions describes PART II - Grounds for Appeal as follows:

In the appellant's sentence factum this part shall be a concise statement setting out clearly and particularly the grounds of the appeal. On the argument of the appeal the appellant shall, unless the court otherwise orders or directs, be confined to these grounds.

In the respondent's sentence factum this part shall be a statement of the respondent's position in regard to the grounds of appeal and of any other points the respondent may properly put in issue.]

PART III - Points of Law

[Part 1.5(b) of the Court of Appeal Consolidated Practice Directions describes PART III - Points of Law as follows:

In each sentence factum shall be a brief of the argument setting out concisely the points of law or fact intended to be discussed with particular reference to pages and lines of the appeal record, extracts of key evidence (if applicable), and the authorities intended to be cited in support of each point.

In a separate section in this part, the appellant shall state the relevant standard of review on each issue raised in the appeal and the respondent shall state whether the respondent agrees with the standard suggested by the appellant for each issue in question.]

(For more information, see *Standards of Review Employed by Appellate Courts*, 2d ed, (Edmonton: Juriliber, 2006) written by the Honourable Roger P. Kerans and Kim W. Willey.)

PART IV - Nature of Relief Desired

[Part I.5(b) of the Court of Appeal Consolidated Practice Directions describes PART IV - Nature of Relief Desired as follows:

Each sentence factum shall contain a concise statement of the nature of the relief or order the party desires the court to make or grant.]

All of which is respectfully submitted this [date] day of [month], [year].

Estimate of Time for Appellant's [or Respondent's] Argument: 45 Minutes [enter less, if applicable.]

(Signature of Counsel for the Appellant/Respondent)

(Full name of person signing (R. 5.1 ARC))

Attach appendices (if any)

[Pursuant to Part I.5(f) of the Court of Appeal Consolidated Practice Directions, the following items should be included as an appendix at the end of the sentence appeal factum:

- i) where a statute, regulation, rule, ordinance or by-law is relied on, so much of it as may be necessary to the decision of the case shall be printed at length;
- ii) if the appellant appeals any ruling made during trial, the impugned rulings;
- iii) any exhibit critical to the appeal; and
- iv) the extracts of key evidence if it, any other appendices and the factum together do not exceed a total of 60 pages.]

List of Authorities

Tab

- 1 Insert case name (show in italics) for first case referred to, neutral citation (if available), followed by parallel reported citation.
- 2 Insert case name (show in italics) for second case referred to, neutral citation (if available), followed by parallel citation.

[Pursuant to Part 1.5(e) of the Court of Appeal Consolidated Practice Directions - continue to list the authorities in the order they are likely to be referred.]