

SUMMARY CONVICTION APPEAL - Governed by the Rules of Court 860.1

When you are filing an appeal of a summary conviction (for example, a traffic ticket conviction)

- **YOU SHOULD COME PREPARED WITH A LIST OF DATES WHEN YOU WILL BE AVAILABLE TO ARGUE, AND A “TIME ESTIMATE” FOR THE HEARING.**
- **IF THE TOTAL LENGTH OF THE APPEAL WILL EXCEED A “20 MINUTE HEARING (that is your argument and respondents argument)”, PLEASE ADVISE THE COURT AT YOUR FIRST APPEARANCE DATE AND ARRANGEMENTS WILL BE MADE FOR A “SPECIAL SITTING”.**

STEPS:

1) Order the Transcript of the Lower Court

- If you are not represented by a lawyer, you must order the transcript. The fee for the transcript will vary.
- If you were not in court, either in person or by lawyer, when you were convicted, or if you are now represented by a lawyer, you do not need to order the transcript.
- Transcripts can be ordered through the appropriate Transcript Management office:
 - in Edmonton, the transcript can be ordered from #1000 Sun Life Place, 10123-99 Street, Edmonton, AB, T5J 3H1, telephone (780) 427-6181.
 - for Appeals from outside Edmonton, the transcript can be ordered from the original Provincial Court where the appellant appeared.
- You must provide 3 copies of the transcript when filing the Notice of Appeal in step 2. When requesting transcripts you should advise the Transcript Management office that the transcript is for the purpose of an appeal, so they can prepare 3 “official copies” of the transcript for filing.

2) File the Notice of Appeal

- With the Queen’s Bench Criminal Clerk’s Office.
- Must be filed within 30 days of the conviction or sentence.
- If you were required to order a transcript in step 1, you must include the receipt.
- Personally deliver a filed copy of the Notice of Appeal to the Crown’s Office.

3) Appeal Dates

- The first date which you are scheduled for will be to set up your hearing date which will be 60 - 120 days from the day you file the Notice of Appeal. This is **not** the appeal date, it is only to determine if you are ready to proceed and have filed the required documents.
- On the scheduling day, if you are ready to proceed and all materials have been filed, a hearing date for your Appeal will be set. Failure to comply may result in the appeal being dismissed.

4) Memorandum of Law

- You must file a Memorandum of Law at least 30 days before the hearing date.
- To file less than 30 days before the hearing date, prior to filing the Memorandum of Law, an appellant or his lawyer must:
 - obtain consent from the Crown's Office.
 - obtain permission from a Queen's Bench Justice (a fiat).
- the Memorandum of Law must include:
 - a brief statement of the facts.
 - the argument and case law that the appellant intends to rely on in support of the reasons set out in the Notice of Appeal.
 - particular reference to the evidence to be discussed in relation to the reasons.
- Make 2 copies of the Memorandum of Law (total of 3 with the original) and take them to the Queen's Bench Criminal Clerk's Office for filing, along with the 3 copies of the transcript (if you were required to order a transcript in step 1).

5) Serve the Crown's Office

- Personally deliver a filed copy of the Memorandum of Law and the transcript to the Crown's Office.

6) Abandonment

- Should an appellant wish to discontinue an appeal, a notice of abandonment must be filed with the Queen's Bench Criminal Clerk's Office prior to the hearing date.
- A sample of the notice of abandonment can be obtained from the Search and Information Wicket at the Queen's Bench Clerks Office.

Notice to Appellant:

- **The Queen's Bench Criminal Office cannot provide legal advice or direction.**
- **If this appeal is in relation to a driving offence, a copy of the FILED Notice of Appeal should be delivered to the Registry Office Licence Enforcement Division.**

