

- (c) the appeal respecting sentence, or an appeal respecting a dangerous offender or long-term offender finding is to be adjudicated second.

### **Division 3 Appeal Documents**

#### **Preparation of Appeal Record**

**16.12(1)** The appellant must,

- (a) within 10 days after filing a notice of appeal
  - (i) order or commence preparation of the Appeal Record, and
  - (ii) order from Transcript Management Services the transcripts required by paragraph 16.13(d) or 16.14(d), and
- (b) within five days after ordering the appeal record and transcripts, file a copy of the order and serve a filed copy on the respondent.

**(2)** Subject to rule 16.13 [*Contents of Appeal Record – conviction appeals*], rule 16.14 [*Contents of Appeal Record – sentence appeals*] and rule 16.15 [*Format of Appeal Record*], the appellant must file 5 copies of the Appeal Record, and serve on the respondent an additional filed copy of the Appeal Record and an electronic copy of the Transcripts.

**(3)** The Appeal Record and Transcripts must be prepared promptly and filed and served forthwith after they are available, and

- (a) in an appeal from sentence only where the net sentence is 6 months or less, not later than 2 months after the date on which the notice of appeal was filed,
- (b) in an appeal from sentence only where the net sentence is greater than 6 months, not later than 3 months after the date on which the notice of appeal was filed,
- (c) for the sentencing part of any appeal as to both conviction and sentence, not later than 2 months after the date on which the conviction appeal was dismissed or abandoned, or
- (d) in all other appeals, not later than 4 months after the date on which the notice of appeal was filed.

**(4)** If the Appeal Record is not filed and served within the applicable deadline, and an extension is not obtained

- (a) if the appellant is a self-represented appellant and is in custody, the Registrar may refer the appeal to a single appeal judge for directions, and

- (b) in all other cases, the appeal will be struck by the Registrar.

**Contents of Appeal Record - conviction appeals**

**16.13** The Appeal Record for conviction appeals must contain the following:

- (a) A table of contents at the beginning of each volume
  - (i) listing separately each document in every volume and showing the page number where the document can be found,
  - (ii) including a copy of the table of contents for the transcripts required by subparagraph (d)(i), and
  - (iii) containing a list and description of all the exhibits entered in the trial court, and the page in the transcripts where the entry of the exhibit is shown.
- (b) Part 1 - Pleadings, consisting of
  - (i) the Information, Indictment or other originating document, and endorsements, and
  - (ii) for a further appeal in a summary conviction matter,
    - (A) the written or transcribed reasons of the Provincial Court of Alberta, and
    - (B) the notice of appeal to the Court of Queen's Bench of Alberta.
- (c) Part 2 - Final Documents, which must include
  - (i) the written or transcribed reasons
    - (A) that led to the decision being appealed, and
    - (B) for any decision rendered during the trial that is relevant to the disposition of the appeal,
  - (ii) the charge to the jury, and the verdict of the jury,
  - (iii) any formal record of the decision, including any certificate of conviction, order of acquittal, report of criminal trial, or report of criminal appeal,
  - (iv) any restricted court access order,
  - (v) for appeals referred to in subrule 16.4(1), the order and reasons granting permission to appeal,

- (vi) the notice of appeal,
  - (vii) when an enactment requires service on the Attorney General for Alberta or the Attorney General for Canada, or both, proof of that service, and
  - (viii) if there is no oral record that can be transcribed for Part 3, a notation to that effect in the table of contents.
- (d) Part 3 - Transcripts, which must contain the following information
- (i) a table of contents at the beginning of every volume, listing separately each part of the transcript, the name of each witness and questioner and showing the page number where the part or the testimony of the witness or questioner begins,
  - (ii) all oral evidence, but only such part of the argument that is necessary to determine the appeal, and
  - (iii) in the case of an appeal from a judgment in a jury trial, the address to the jury of each party, the judge's charge to the jury and the answers given to any questions from the jury.

**Contents of Appeal Record - sentence appeals**

**16.14** The Appeal Record for sentence appeals must contain the following:

- (a) A table of contents as required by paragraph 16.13(a),
- (b) Part 1 - Pleadings, consisting of the Information, Indictment or other originating document, and endorsements,
- (c) Part 2 - Final Documents, which must include
  - (i) any written or transcribed reasons for conviction, and the reasons for the sentence,
  - (ii) any formal record of the decision, including the certificate of conviction, report of criminal trial, or report of criminal appeal, and any resulting orders, prohibitions, authorizations or warrants arising from the sentencing,
  - (iii) the notice of appeal,
  - (iv) any Notice of Variation of Sentence in Form CRA-D, and
  - (v) any restricted court access order.
- (d) Part 3 - Transcripts, which must include:
  - (i) a table of contents as required by subparagraph 16.13(d)(i),

- (ii) the plea and particulars, and any oral evidence given at the sentencing, and
- (iii) speaking to sentence,
  - (A) in the case of a guilty plea, from the time of the plea, and
  - (B) in other cases, from the time of conviction.

**Format of Appeal Record**

**16.15(1)** The Appeal Record in criminal appeals must comply with rule 16.37 (*Requirements for all documents*) and

- (a) be printed single-sided and bound together along the right edge of the page so that the printed text is to the left of the binding,
- (b) number the Pleadings starting with page P1, and the Final Documents with page F1,
- (c) have red cardstock covers, front and back, and
- (d) be divided into numbered volumes of approximately 200 pages each.

**(2)** The Transcripts must

- (a) be prepared by an official court reporter or be in a format satisfactory to the Registrar,
- (b) be prepared in an electronic format approved by the Registrar and uploaded before the paper copy is filed,
- (c) be paginated and printed double-sided,
- (d) have grey cardstock covers, front and back, and
- (e) be divided into numbered volumes of approximately 200 pages each.

**(3)** With the consent of all parties, or by order, an Appeal Record may be completed in an electronic format approved by the Registrar.

**(4)** A case management officer may set or vary the contents or format of the Appeal Record as the nature of the appeal requires, including giving direction respecting transcripts.

**Information note**

If any document required to be included in the Appeal Record is not available at the time of preparation, it can be appended to the factum, the Extracts of Key Evidence, or the Book of Authorities: subrule 16.19(5).