

CANADA

COURT OF APPEAL

PROVINCE OF QUEBEC
REGISTRY OF ... (*Montreal or Quebec*)

... (*your name*), domiciled and residing
at ... (*address*), District of ... (*name of
district*)

No.: (*file number at the Superior Court*)

APPLICANT - Accused

No.: (*file number at the Court of Québec
or the Municipal Court*)

v.

HER MAJESTY THE QUEEN

RESPONDENT - Plaintiff

**MOTION FOR LEAVE TO APPEAL FROM A CONVICTION ON A GROUND THAT
INVOLVES QUESTIONS OF LAW**

**(Article 291 of the Criminal Code of Procedure and Articles 21 et seq. of the
Rules of the Court of Appeal in Criminal Matters)**

**TO ONE OF THE HONOURABLE JUSTICES OF THE COURT OF APPEAL, THE
APPLICANT RESPECTFULLY SUBMITS:**

1. On ... (*date on which you appeared*), the Applicant appeared at ... (*location and
district*) regarding the file number ... (*file number*) of the (*Court of Quebec or
Municipal Court*) to face the following charges: (*describe the charges against
you*)
 - (a) ...;
 - (b) ...;
2. On ... (*date on which you stood trial*), the Applicant stood trial on the charges
described in the first paragraph before the Honourable ... (*name of judge*) of the
... (*Municipal Court or Superior Court*), District of ... (*name of district*);
3. On ... (*date of judgment*), the trial judge (*name of judge*), after considering the
evidence brought at trial, found the Applicant ... (*indicate the judge's verdict on*

each charge), as it appears in the judgment attached to this motion (**Schedule 1**);

4. On ... (*date of sentencing*), the Applicant was sentenced to ... (*indicate the sentence imposed for each charge*);
5. On ... (*date of judgment from the Superior Court*), the Honourable ... (*name of judge of the Superior Court*), from the Superior Court, District of ... (*name of district*), dismissed the Applicant's appeal, as it appears in the judgment attached to this motion (**Schedule 2**);
6. The Applicant wishes to obtain the permission to appeal the judgment rendered by the Honourable ... (*name of judge from the Superior Court*), from the Superior Court for the following reasons: (*explain in a detailed manner the arguments you will use*)
 - 6.1 The Superior court judge erred in law by concluding that ... ;
 - 6.2 The Superior court judge erred in law by concluding that ... ;
7. The Applicant asks the Court of Appeal to:
 - (a) **GRANT** the appeal;
 - (b) **ANNUL** the guilty charge rendered on ... (*date of Superior Court judgment*), by the Honourable ... (*name of judge*) from the Superior Court, District of ... (*name of district*), in file number ... (*file number*)
 - (c) **ANNUL** the guilty charge rendered on ... (*date of the Court of Québec or the Municipal Court's judgment*), by the Honourable ... (*name of judge*) from the (*Court of Quebec or Municipal Court*), District of ... (*name of district*), in file number ... (*file number*).
 - (d) **SUBSTITUTE** the verdict of acquittal rendered by the trial judge;

or

ORDER a new trial;
 - (e) **RENDER** all orders that comply with the standards of justice.

8. At the Superior Court, the Applicant was represented by Mtre ... (*name of counsel who represented you at first instance, if applicable*), whose offices are located at ... (*counsel's address*);

or

At the Superior Court, the Applicant was not represented;

9. At the Superior Court, the Respondent was represented my Mtre ... (*name of counsel who represented the respondent at first instance*), Criminal and Penal Prosecutor, whose offices are located at ... (*address of counsel who represented the Respondent at first instance*);

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT this motion;

AUTHORIZE the Applicant to appeal the judgement rendered by the Honourable ... (*name of judge of the Superior Court*) of the Superior Court, District of ... (*name of district*), in file number ... (*file number*);

...,... (*city and date where the motion will be signed*)

(*Your signature*)

(*Your name*)

Applicant

Attach an affidavit, a notice of presentation, as well as a list of schedules to the motion.

As provided in section 23 of the Rules of the Court of Appeal in Criminal Matters, 1 original and 4 copies (two copies of the exhibits is sufficient) of the motion must be filed at the Office of the Court at least 2 clear juridical days before the date of presentation. (One clear juridical day is constituted by an entire day, excluding Saturday, Sunday, and statutory holidays. For more information on clear juridical days, please consult article 6 and 8 of the Code of Civil Procedure.)

THIS MODEL DOES NOT EXEMPT THOSE WHO USE IT FROM READING THE RELEVANT PROVISIONS OF THE CRIMINAL CODE, THE RULES OF THE COURT OF APPEAL OF QUEBEC IN CRIMINAL MATTERS, AS WELL AS THE DOCUMENTS ENTITLED "CHECKLIST IN CRIMINAL MATTERS" AND "FREQUENTLY ASKED QUESTIONS (IN CRIMINAL AND PENAL MATTERS)."