

CANADA

COURT OF APPEAL OF QUEBEC

PROVINCE OF QUEBEC

REGISTRY OF [MONTREAL or QUEBEC]

HIS MAJESTY THE KING

No.: [leave empty so that the Office of the Court may attribute a number to your file] APPELLANT – Accused
v.

No.: [file number(s) before the Superior Court or Court of Québec] **[NAME OF THE APPELLANT]**
[your address]

[[MONTREAL ou QUEBEC]

RESPONDENT – Prosecutrix

NOTICE OF APPEAL FROM AN ACQUITTAL ON A GROUND THAT INVOLVES A QUESTION OF LAW ALONE

(Section 676(1)(a) of the *Criminal Code*)

Appellant

Dated [write the date]

I — EXPRESS REFERENCE

1. This file does not contain confidential information.

[OR]

This file contains confidential information: [indicate which aspects of the file are confidential and set out the legal provision or order that is the basis of the confidentiality (attach a copy of the order, if applicable)].

II — FACTS

2. On [date on which you appeared], the respondent appeared in [city where you appeared], judicial district of [name of district], regarding file number(s) [file number] of the [Superior Court or Court of Québec], on the following counts:

a) **Count No. 1:** [insert the text of the offence];

b) **Count No. 2:** [...].

3. On [date(s) on which you stood trial], the respondent stood trial on the counts described in the second paragraph before the Honourable [name of judge] of the [Superior Court or Court of Québec] at the [name of city] Courthouse, judicial district of [name of district].’
4. On [date of judgment], the trial judge acquitted the respondent of the following count(s):
 - a) **Count No. 1:** [specify the trial judge’s conclusion for each count];
 - b) **Count No. 2:** [...].
5. The trial lasted for [specify the duration of the trial] days.

III — GROUNDS OF APPEAL

6. The appellant submits that the trial judge committed errors of law and wishes to appeal the acquittal on the following grounds:
 - 6.1 The trial judge erred in law by concluding that [explain in detail the grounds you intend to argue];
 - 6.2 The trial judge erred in law by concluding that [...].
7. At trial, the appellant was represented by Mtre [name of counsel], criminal and penal prosecuting attorney, whose offices are located at [counsel’s address and email].
8. At trial, the respondent was represented by Mtre [name of counsel], whose offices are located at [counsel’s address and email].

[OR]

At trial, the respondent was not represented by counsel.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

ALLOW the appeal;

SET ASIDE the acquittal entered by the trial judge on [date of judgment];

DIRECT a conviction;

[OR]

ORDER a new trial;

ISSUE any order required in the interest of justice.

On [date on which the pleading was signed], in [name of city].

[your signature]

[your name]

[Appellant's counsel]

[address]

[phone number]

[fax number, if applicable]

[email address]

[permanent code]

**TABLE OF CONTENTS OF SCHEDULES SUPPORTING
THE NOTICE OF APPEAL**

	Pages	Tabs
SCHEDULE 1 : Copy of the Confidentiality Order [if applicable]	[...]	1
SCHEDULE 2 : [describe Schedule 2] [if applicable]	[...]	2

[If necessary, include all schedules required to support your notice of appeal.]

REMARKS

Format and content

- All pleadings must comply with the following presentation requirements (s. 20 of the *Rules of the Court of Appeal of Quebec in Criminal Matters (R.C.A.Q.C.M.)*):
 - The pleading filed on paper shall be printed on a good quality white paper in letter format (21.5 cm by 28 cm).
 - Pleadings and their schedules shall be paginated consecutively.
 - Handwritten pleadings shall not be accepted unless they are easily legible and intelligible.
 - The text shall be reproduced on one side only of each sheet, with a minimum of one and one-half spaces between the lines, except for quotations which shall be single-spaced and indented.
 - The typeface shall be 12-point Arial font for the entire text. Exceptionally, 11-point Arial font may be used for quotations and 10point Arial font may be used for footnotes.
 - The margins shall be no less than 2.5 cm.
- The status in appeal of each party shall be indicated beneath the name of the party in upper case letters, followed by the party's status in first instance in lower case letters (s. 21 *R.C.A.Q.C.M.*).
- The heading, contained on the first page of the pleading, shall indicate the filing party, the nature of the pleading, its date and, if the pleading includes a request, the provision on which it is based (s. 22 *R.C.A.Q.C.M.*).
- The notice of appeal shall include the following information (s. 26 paras. (g), (h) and (i) *R.C.A.Q.C.M.*):
 - the facts and the grounds of appeal stated concisely, in a maximum of 10 pages (the designation of the parties and the conclusions sought being excluded from the page count).
 - the address and, if available, the email address of the appellant or the appellant's counsel.
 - the name, address and, if available, the email address of the respondent and, if applicable, of the other parties and their counsel at trial.
- The PDF file of the Notice of appeal must comply with the ***Chief Justice's Directive on the Rules respecting the preparation of the PDF Files.***

Confidentiality

- The notice of appeal shall contain one or other of following statement (s. 9 *R.C.A.Q.C.M.*):
 - The notice of appeal shall include an express reference that the file contains no confidential information.

- If any part of a file is confidential, the pleadings shall call attention to this by including the word “CONFIDENTIAL” beneath the court file number, and clearly indicate which aspects of the file are confidential and set out the legal provision or order that is the basis of the confidentiality. In the latter case, a copy of the order shall be filed with the Office of the Court at the same time as the notice of appeal or the application for leave to appeal; when a copy of the order is not available on that date, it must be filed within the deadline stipulated by the clerk.

Filing and service

- The notice of appeal shall be served and filed within 30 days from the judgment (s. 25, para. 1 *R.C.A.Q.C.M.*):
 - In the case of an appeal brought by the prosecution, the notice of appeal shall be served by a bailiff or peace officer on the respondent personally, before or after the filing, but no later than 15 days from the filing, unless a judge orders otherwise (s. 25, para. 4 *R.C.A.Q.C.M.*).
- The notice of appeal must be filed at the counter of the Office of the Court (or through the Digital Office of the Court of Appeal (DOCA)):
 - If the filing is made via DOCA, the paper versions must be received at the counter of the Office of the Court within five working days after the e-filing (see ***Clerk’s Practice Direction No.3***).
 - If the filing is made at the counter of the Office of the Court, the PDF file of the notice of appeal must be transmitted to the Office of the Court via DOCA on the day the paper version is filed (see ***Clerk’s Practice Direction No.7***).
- The notice of appeal shall be filed in 3 copies (one for the Court file and two for the office of the trial court) (s. 27 paras. 1(a) and 2 *R.C.A.Q.C.M.*).
- The appellant may file only two copies of its schedules if desired.

Transcript of trial proceedings (s. 31 *R.C.A.Q.C.M.*)

- The appellant shall file in the office of the trial court an application to obtain a transcript and the exhibits that it requires within 30 days of the filing of the notice of appeal, unless an extension of time was granted by the Court’s clerk, such written application to extend being notified to the other parties (See ***Clerk’s Practice Direction No. 9***).
- The appellant shall use the application form available at the Office of the Court and on the Court’s website « ***Application for a transcript of the proceedings and the reproduction of exhibits*** » — « ***Form SJ-980*** ».
- The appellant shall also send within the same time period to the Office of the Court a copy of the aforementioned application with proof of filing with the office of the trial court as well as proof of notification to the other parties.

WARNING: THIS TEMPLATE DOES NOT EXEMPT THOSE WHO USE IT FROM READING THE APPLICABLE LEGISLATION. IT IS AVAILABLE TO FACILITATE THE DRAFTING AND PREPARATION OF PLEADINGS. EVERY PLEADING MUST BE SUBMITTED TO THE CLERK, WHO MAY REFUSE IT OR REQUIRE MODIFICATIONS IF THE PLEADING DOES NOT COMPLY WITH THE APPLICABLE LEGISLATION.

DO NOT INCLUDE