

CANADA

COURT OF APPEAL

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

... (your name)

No.: (*file number at the Court of Appeal*)

APPELLANT - Accused

No.: (*file number in first instance*)

v.

**HER MAJESTY THE QUEEN**

RESPONDENT - Plaintiff

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**MOTION FOR AUTHORIZATION TO ADDUCE FRESH EVIDENCE**  
**(Article 683(1) of the Criminal Code and Articles 54 of the**  
**Rules of the Court of Appeal in Criminal Matters)**

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

1. On ... (*date on which you appeared*), the Appellant appeared in .. (*location and district*) regarding the file number ... (*file number*) of the (*Court of Quebec or Superior Court*) to face the following charges: (*describe the charges against you*)
  - (a) ...;
  - (b) ...;
2. On ... (*date on which you stood trial*), the Appellant stood trial on the charges described in the first paragraph before the Honourable ... (*name of judge*) of the ... (*Superior Court or Court of Quebec*), District of ... (*name of district*);
3. On ... (*date of judgment*), the trial judge, after considering the evidence at trial, found the Appellant ... (*indicate the judge's verdict on each charge*), as it appears from the judgment attached to this motion (**Schedule 1**);
4. On ... (*date of sentencing*), the Appellant was sentenced to ... (*indicate the sentence imposed for each charge*);

5. On ... (*date that you produced your notice of appeal at the Office of the Court of the Court of Appeal*), the Appellant appealed before this honourable Court the conviction rendered at trial, as it appears from the notice of appeal attached to this motion (**Schedule 2**);

*or*

On ... (*date which you were granted the Motion For Leave To Appeal of the trial judgment*), the Appellant was granted leave to appeal the conviction (*and/or the sentence, if applicable*) rendered at trial, as it appears from the judgement granting leave to appeal attached to this motion (**Schedule 2**);

6. The Appellant respectfully asks this honourable Court to adduce fresh evidence, considering the following facts: (*indicate the new evidence that you wish to produce, along with the circumstances surrounding the discovery of this new evidence*)

6.1 (...);

6.2 (...);

7. The Appellant exercised due diligence with regards to obtaining this new evidence because ... (*indicate the reason why the discovery of this new evidence could not have been done earlier*);
8. The presentation of this new evidence is important, plausible and susceptible of influencing the result of the trial judgment because ... (*describe the reason why this new evidence is important, plausible and susceptible of influencing the outcome of the appeal of the trial judgment*);

**FOR THESE REASONS, MAY IT PLEASE THE COURT TO:**

**GRANT** this motion;

**ALLOW** the Applicant to ... (*describe the fresh evidence that you wish to present*);

**DEFER** the application to the panel of the Court who will hear the appeal, for it to rule on the admissibility and, if need be, on the weight of said fresh evidence;

**RENDER** all orders required in the interest of justice

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

(Your signature)

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(Your name)

Appellant

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

*As provided in section 42 of the Rules of the Court of Appeal in Criminal Matters, 4 copies of the motion must be filed at the Office of the Court with documents attached at least 5 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.) Do not forget to attach proof of service of the motion on the adverse party.*

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)."