



COURT OF APPEAL OF YUKON

**Court of Appeal of Yukon
Practice Directive (Criminal)
Title: Sentence Appeals**

Issued: 18 May 2017

Effective: 01 June 2017

Cite as: *Sentence Appeals* (Criminal Practice Directive, 01 June 2017)

1. This Practice Directive does not apply to appeals from Forfeiture, Dangerous or Long Term Offender orders or designations. Such appeals are subject to *Forfeiture, Dangerous and Long Term Offender Appeals* (Criminal Practice Directive [DATE]).
2. Four weeks before the hearing of a sentence appeal, the appellant shall file six copies and one electronic copy of a document, entitled "Statement". The appellant shall deliver one copy of the statement to the respondent. The statement shall be headed in the style of cause and contain the following information in point form:
 - (a) A concise statement of facts;
 - (b) The precise ground(s) of appeal to be relied on at the hearing of the appeal (e.g. sentence falling outside the range of sentences for similarly situated offenders and similar offences, illegal sentence, failure to give effect to one or more principles of sentencing with particulars of the principle(s) invoked, failure to consider a conditional sentence, etc.), together with relevant transcript references;
 - (c) The range and type of sentence which the appellant submits is appropriate for the offence(s) and this offender;
 - (d) The position taken by Crown counsel and defence counsel before the sentencing judge with respect to the appropriate sentence and the range of sentence.
3. At the time this Statement is filed, the appellant shall also file five copies of the authorities upon which he/she relies, together with six copies of any other written material the appellant intends to rely upon at the hearing of the

appeal. The appellant shall deliver one copy of this material to the respondent.

4. Three weeks before the hearing of the sentence appeal, the respondent shall file six copies and one electronic copy of a document, entitled "Reply", and deliver one copy to the appellant. The reply shall contain the following information in point form:
 - (a) The respondent's position with respect to the ground(s) of appeal and the fitness of the sentence;
 - (b) If the respondent's position is that the sentence imposed is unfit or illegal, then the range and type of sentence which the respondent submits is appropriate for the offence(s) and this offender.
5. At the time the reply is filed, the respondent shall also file five copies of the authorities upon which he/she relies, together with any other written material the respondent intends to rely upon at the hearing of the appeal. The respondent shall deliver one copy of this material to the appellant.
6. The statement and reply shall not exceed eight pages in length, except for appeals involving a constitutional challenge to legislation, where the statement and reply shall not exceed 15 pages in length. The statement and reply must comply with the rules on factum preparation, both with respect to spacing and font size. A Microsoft Word template for a statement and reply is available on the Court's website under the criminal forms section.
7. If an appellant or respondent is self-represented, he or she is encouraged, but not required, to comply with this directive. If a self-represented appellant does not comply with the directive, the Crown is not required to file a reply.
8. A Justice may waive the necessity of compliance with this directive for good cause.



The Honourable Chief Justice Bauman
for the Court of Appeal of Yukon

History:

Replaces the criminal Practice Directive titled *Sentence Appeals*, 2006.