

**FORM 2**

[Paragraph 3(1)(b) and subrules 3(3) and 5(1)]

**COURT OF APPEAL**

**NOTICE OF APPEAL OR APPLICATION FOR LEAVE TO APPEAL**

(Where appellant is not represented by counsel)

LOWER COURT REGISTRY NUMBER: \_\_\_\_\_

LOWER COURT REGISTRY LOCATION: \_\_\_\_\_

REX

**RESPONDENT**

vs.

\_\_\_\_\_

**APPELLANT**

To the Registrar:

Name of appellant \_\_\_\_\_

Place of trial \_\_\_\_\_

Name of court<sup>1</sup> \_\_\_\_\_

Name of judge \_\_\_\_\_

Whether or not a jury trial \_\_\_\_\_

Offence(s) of which the appellant was convicted<sup>2</sup> \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plea at trial \_\_\_\_\_

Sentence imposed \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date of conviction \_\_\_\_\_

Date of imposition of sentence \_\_\_\_\_

Name and address of place at which appellant is in custody or, if not in custody,  
appellant's address \_\_\_\_\_

If in custody, address other than place of custody \_\_\_\_\_

\_\_\_\_\_

I, the above-named appellant, hereby give you notice that I desire to appeal to the Court of Appeal against my<sup>3</sup> \_\_\_\_\_ on the grounds set out on page 3 of this Notice.

I desire to present my case and argument, whether it be for leave to appeal<sup>4</sup> or by way of appeal where leave is not necessary<sup>5</sup>,

(a) in writing<sup>6</sup>.

(b) in person.

If a new trial is ordered and I have a right to trial by jury, I wish (do not wish) a trial by jury: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Signed<sup>7</sup>: \_\_\_\_\_  
Appellant

\_\_\_\_\_

<sup>1</sup> Territorial Court or Supreme Court.

<sup>2</sup> E.g., theft, forgery. (State here if appeal is under the *Youth Criminal Justice Act*.)

<sup>3</sup> If the appellant wishes to appeal against conviction, he must write the word "conviction". If he wishes to appeal against sentence, he must write the word "sentence". If he wishes to appeal against both conviction and sentence, he must write the words "conviction and sentence". If an appellant convicted of more than one offence wishes to appeal against only some of the convictions or sentences, he must state clearly the convictions or sentences against which he wishes to appeal.

<sup>4</sup> See Note 1 below.

<sup>5</sup> Strike out (a) or (b).

<sup>6</sup> If you wish to submit your case and argument in writing, you must do so by serving your written argument within 14 days after you receive the report prepared by the trial judge pursuant to section 682 of the *Criminal Code*.

<sup>7</sup> This Notice must be signed by the appellant. If he cannot write, he must affix his mark in the presence of witnesses. The name and address of each attesting witness must be given.

## NOTES

1. (a) If your appeal against conviction involves a question of law alone, you have a right of appeal.  
(b) If your appeal against conviction is on any ground other than a question of law, then you have no right of appeal unless leave to appeal is first granted. Your Notice of Appeal includes an application for leave to appeal where leave is necessary.  
(c) You have no right to appeal against sentence unless leave to appeal is first granted by the Court of Appeal or a justice. Your Notice of

