

Court of Appeal
of Quebec

GUIDE ON CRIMINAL PROCEDURE

FOR SELF-REPRESENTED PERSONS

Version dated March 2, 2026

PREFACE

This guide contains useful information on:

i. how to initiate an appeal;

ii. the subsequent steps to be followed; and

iii. the documents to be filed.

IMPORTANT

→ This guide only sets out information; it does not provide any legal advice.

→ It does not exempt you from reading the applicable laws and regulations.

→ Although individuals can represent themselves, we strongly recommend you consult a lawyer.

→ This guide deals with appeals in criminal matters and not with appeals in statutory penal matters (such as cases in first instance with the jurisdictional number 61). In penal matters, you must refer, among other things, to the *Code of Penal Procedure* and the *Regulation of the Court of Appeal of Quebec in Penal Matters (R.C.A.Q.P.M.)*.

→ We remind you that the clerk will refuse any pleading or document that does not comply with the Court's rules.

Useful links and resources:

Criminal Code (Cr.C.)
Rules of the Court of Appeal of Quebec in Criminal Matters (R.C.A.Q.C.M.)
Clerk's Practice Directions in Criminal Matters
Directives and Notices of the Chief Justice

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INITIATING AN APPEAL

If you believe a judgment contains errors, you can initiate an appeal.



Please read the rules for filing an appeal, including:

➢ Sections 9, 13, 20 to 29, 50 to 59 and 61 to 65 *R.C.A.Q.C.M.*

IMPORTANT

→ **We recommend you consult a lawyer as of this very stage**, in particular to determine whether and how the judgment can be appealed.

→ The Court of Appeal is not always the proper court or tribunal for an appeal from a judgment in first instance in a criminal matter. Here, too, a lawyer will be able to advise you.

→ You must act quickly, because the time limit for filing an appeal is generally 30 days from the date of the judgment. Certain laws may establish shorter time limits. We strongly recommend you speak with a lawyer, since the Court office will not comment on appeal deadlines.

Two types of appeals

Appeal as of right: When a judgment in first instance can be appealed by filing a notice of appeal, without seeking leave (i.e., permission). More information on this subject is available in the next section.

Appeal with leave (i.e., permission): When an application for leave to appeal must be presented before a judge of the Court of Appeal or before the Court of Appeal itself (panel of three judges). For example, generally speaking, an appeal of a sentence requires leave. More information on this subject is available in the section entitled “Appeal with leave”.

ATTENTION

Court office staff are not authorized to tell you what type of appeal applies to your situation. It is therefore advisable to consult a lawyer if you are unsure whether your appeal requires leave.

Appeal as of right: how to file a notice of appeal

Purpose

Your appeal is initiated when the clerk accepts the filing of the notice of appeal.

ATTENTION

The filing of your notice of appeal does not suspend the execution of the contested decision.

Notice of appeal and content of the notice

Your notice of appeal must contain the following information:

- the offence in question;
- the sentence imposed, if applicable;
- the date of the judgment on guilt and the date of the sentencing judgment, as the case may be;
- in the case of an appeal from the sentence, a statement indicating whether the judgment on guilt has been appealed and, if so, indicating the appeal file number;
- the place and duration of the trial in days;
- the trial court and file number as well as, where applicable, the file number of the Superior Court sitting in appeal;
- the facts and the grounds of appeal stated concisely, in a maximum of 10 pages (the designation of the parties, the confidentiality notices required by s. 9 *R.C.A.Q.C.M.* and the conclusions sought are excluded from the page count);
- your address and, if available, your email address; and
- the name, address and, if available, email address of the respondent and, if applicable, of the other parties and their counsel at trial.

Your notice of appeal must also include:

(a) either a statement mentioning that the file contains no confidential information;

(b) or

i. beneath the trial court file number, an express statement of confidentiality; and

ii. in a paragraph, a clear indication of which aspects of the file are confidential and the legal provision or order that is the basis of the confidentiality. In the latter case, you must attach a copy of the confidentiality order. For example, this could be an order made in first instance restricting publication, broadcasting and transmission under s. 486.4 *Cr.C.*

Time limit for filing

You must **file** your notice of appeal within **30 days** after the contested judgment.

However, specific statutes may prescribe a different time limit (such as an appeal of a decision of the Commission d'examen des troubles mentaux).

If the time limit has expired or you believe you will not be able to file your notice of appeal before the expiry of the time limit, you can seek an extension of the time limit for an appeal from a judge of the Court of Appeal.

Service/Notification

You do not need to serve the originating appellate pleadings, such as your **notice of appeal** and your **application to extend the time limit to appeal**. The clerk will send them to the other parties. This notification will constitute service.

Pleadings other than originating appellate pleadings must be *notified*, unless the Court's rules provide otherwise or the party chooses to serve its pleadings.

Digital Office of the Court of Appeal (DOCA)

You must file the **PDF file** of your notice of appeal using **DOCA**, unless expressly requested by the clerk.

Exemption: Self-represented parties who are detained or hospitalized are not required to transmit the PDF file of pleadings, briefs, memoranda or any other document they file on paper.

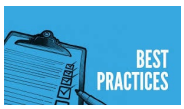
Unless you are exempted from PDF filing, when you file your notice of appeal and, where applicable, your other applications, at the counter of the Court office, you must also transmit an electronic copy in PDF format through DOCA the **same day**.

Number of copies, if required

- **Notice of appeal:** **Four** paper copies.
- **Schedules**: **Two** copies only.

IMPORTANT

We strongly recommend you speak with a lawyer, since the Court office will not comment on appeal deadlines.



- ✓ Before filing your notice of appeal, verify that it satisfies all the requirements mentioned in the checklist available on the Court's website and at the Court office.
- ✓ To reduce the risk of errors, use the model pleadings in Word format prepared by the Court and made available on the Court's website.

REFUSED

Avoid this frequent reason for refusal

Your notice of appeal **exceeds** the **10-page** maximum.

Appeal with leave (i.e., permission): how to file an application for leave to appeal

Purpose

Before appealing certain judgments, you must seek and obtain leave from a judge of the Court of Appeal or from the Court of Appeal itself (panel of three judges).

When granted, an application for leave to appeal serves as the notice of appeal without further formality.

Application for leave to appeal and content of the application

Every application must include a copy of the documents necessary for its adjudication. For an application for leave to appeal, you must include a copy of the **judgment** you wish to appeal.

If only a handwritten version of the judgment exists (e.g., a judgment rendered on the minutes of the hearing), you must provide a typed **transcription** of the judgment, failing which your application may not be placed on the roll.

Your application for leave to appeal must contain the following information:

- the offence in question;
- the sentence imposed, if applicable;
- the date of the judgment on guilt and the date of the sentencing judgment, as the case may be;
- in the case of an appeal from the sentence, a statement indicating whether the judgment on guilt has been appealed and, if so, indicating the appeal file number;
- the place and duration of the trial in days;
- the trial court and file number as well as, where applicable, the file number of the Superior Court sitting in appeal;
- the facts and the grounds of appeal stated concisely, in a maximum of 10 pages (the designation of the parties, the confidentiality notices required by s. 9 *R.C.A.Q.C.M.* and the conclusions sought are excluded from the page count);
- your address and, if available, your email address; and
- the name, address and, if available, email address of the respondent and, if applicable, of the other parties and their counsel at trial.

Your application must also include:

(a) either a statement mentioning that the file contains no confidential information;

(b) or

i. beneath the trial court file number, an express statement of confidentiality; and

ii. in a paragraph, a clear indication of which aspects of the file are confidential and the legal provision or order that is the basis of the confidentiality. In the latter case, you must attach a copy of the confidentiality order. For example, this could be an order made in first instance restricting publication, broadcasting and transmission under s. 486.4 *Cr.C.*; and

iii. an affidavit, if required.

Examples

- Model in Criminal Matters — Application for leave to appeal from a conviction on a ground that involves questions of law
- Model in Criminal Matters — Application for leave to appeal from a sentence [Motion presentable before a judge]
- Model in Criminal Matters — Application for leave to appeal from a sentence [Motion presentable before the Court]

Time limit for filing

You must **file** your notice of appeal within **30 days** after the judgment you wish to appeal.

However, specific statutes may prescribe a different time limit (such as an appeal from a decision of the Commission d'examen des troubles mentaux).

If the time limit has expired or you believe you will not be able to file your application for leave to appeal before the expiry of the time limit, you can seek an extension of the time limit for an appeal from a judge of the Court of Appeal or from the Court of Appeal itself (panel of three judges).

We strongly recommend you speak with a lawyer, since the Court office will not comment on appeal deadlines.

Service/Notification

You do not need to serve the originating appellate pleadings, such as your **application for leave to appeal** and your **application to extend the time limit for an appeal**. The clerk will send them to the other parties. This notification will constitute service.

Pleadings other than originating appellate pleadings must be *notified*, unless the Court's rules provide otherwise or the party chooses to serve its pleadings.

Reservation

Please refer to the page entitled "Calendars of hearing dates of applications" on our website to determine the days on which you can present your application before the Court.

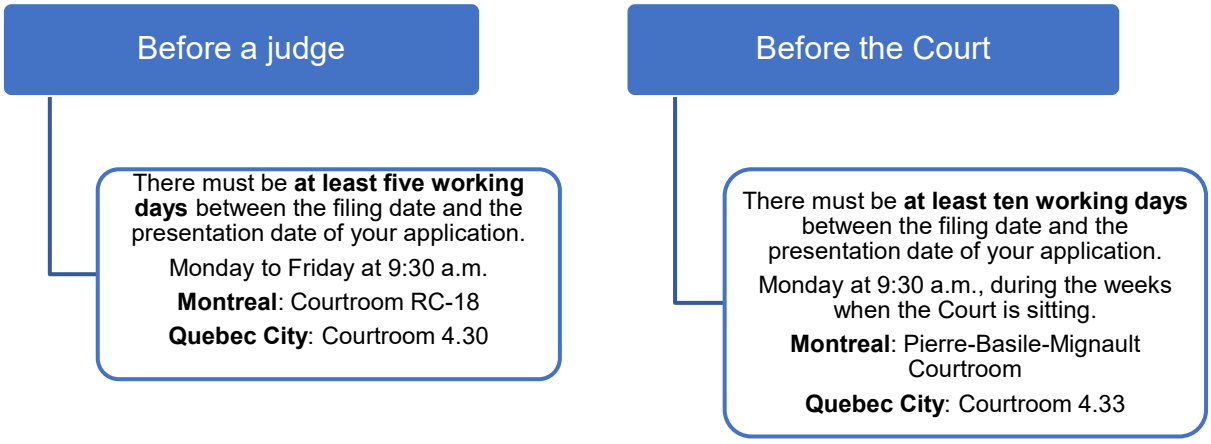
No reservation is required to present your application for leave to appeal before a judge.

However, if you wish to present your application for leave to appeal before the Court, you must, prior to filling out your notice of presentation, reserve a date by calling the Court office:

Montreal: 514-393-2022 / **Quebec City**: 418-649-3401

Notice of presentation

Every application must be accompanied by a notice of presentation stating, in particular, the date and time it is to be presented and the courtroom in which the hearing will take place.



Digital Office of the Court of Appeal (DOCA)

Since the application for leave to appeal is an originating appellate pleading (i.e., one that initiates the appeal) just like a notice of appeal, you must file the **PDF file** of your application for leave to appeal using **DOCA**.

In such a case, you must **deliver** the number of paper copies required (see below) to the Court office no later than **five working days** after the e-filing, indicating on the paper copies the court record number assigned by the system. Otherwise, the opening of the Court file may be refused.

Exemption: Self-represented parties who are detained or hospitalized are not required to transmit the PDF file of pleadings, briefs, memoranda or any other document they file on paper.

Unless you are exempted from PDF filing, when you file your application for leave to appeal and, where applicable, your other applications, at the counter of the Court office, you must also transmit an electronic copy in PDF format through DOCA the **same day**.

Number of copies (application and schedules)

Before a judge

Five paper copies of the application for leave to appeal, **including two with schedules, at least five** working days before the presentation date of the application.

Before the Court

Seven paper copies of the application for leave to appeal, **including four with schedules, at least ten** working days before the presentation date of the application.

Book of authorities

If you want to file a book of authorities in support of your application, the PDF file must be filed through DOCA and notified to the other parties:

- **Before a judge**: **At least two working days** before the presentation date of the application.
- **Before the Court**: **At least five working days** before the presentation date of the application.

Decorum

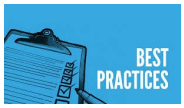
Whether the hearing is held in person or by technological means, sober attire is required.

IMPORTANT

→ As a limited number of applications are heard by the Court on each hearing day, you must reserve your place on the roll.

→ Once your reservation has been made, you have **five working days** to file your application. If you do not file your application within this time limit, your reservation will be cancelled without further notice.

→ The filing of your notice of appeal does not suspend the execution of the contested decision.



✓ Before filing your application for leave to appeal, verify that it satisfies all the requirements mentioned in the checklist available on the Court's website and at the Court office.

- ✓ To reduce the risk of errors, use the model pleadings in Word format prepared by the Court and made available on the Court's website.
- ✓ Before indicating a presentation date in the notice of presentation, consult the available hearing dates at Calendars of hearing dates of applications.
- ✓ Make sure to attach all exhibits necessary to support your application for leave to appeal, including the judgment you wish to appeal.

REFUSED

Avoid this frequent reason for refusal

Your application **exceeds** the **10-page** maximum.

Opening of the court record (i.e., court file)

As soon as you file your originating appellate pleading (notice of appeal or application for leave to appeal), the clerk will assign a file number in appeal.

You must indicate this file number on all your pleadings and all documents and correspondence addressed to the Court of Appeal.

Written appearance

Purpose

In an appeal by the prosecution, you must notify and file using **DOCA** a written appearance, which specifies that you are appearing personally in the case and sets out all your contact information.

Notification/Filing

You must **notify** your written appearance to the other parties and **file** it:

- **Appeal as of right:** within **10 days** of the date of service of the notice of appeal.
- **Appeal with leave (i.e., permission):** within **10 days** of the date of the judgment granting leave to appeal **or** referring the application for leave to appeal to the Court.

When you file your written appearance, it must be accompanied by (i) a copy of the proof of notification to the other parties and (ii) an express statement of confidentiality (if applicable) under the file number.

Transcript of trial proceedings

Please read the applicable provisions, including:
➢ Sections 31 and 32 *R.C.A.Q.C.M.*

Purpose

You must **file** the form entitled "Application for a transcript of the proceedings and the reproduction of exhibits" (SJ-980A) with the office of the **trial court**, whether or not the exibits are required for purposes of your appeal. You must also **file** a copy of this form with the office of the **Court of Appeal** using **DOCA**.

ATTENTION

Choose the proper format for your transcripts.

The "four pages per sheet" or "four-in-one" format is not permitted and can be used only exceptionally, with the prior authorization of the clerk of the Court of Appeal;

We strongly advise against choosing this option on form SJ-980A without first obtaining this authorization.

If you have the transcript prepared privately by a stenographer, you must still fill out **form SJ-980A** (choose the option: "Transcript requested of a stenographer mandated by the appellant").

You must also notify the office of the trial court when the transcript has been completed by the stenographer, by filling out Appendix C of the form.

Court costs

The clerk of the trial court may require payment in advance of all or part of the transcription costs. You will not be able to take possession of the transcripts until you have paid all amounts owing.

If you are a legal aid recipient, you must indicate this in the space provided for on **form SJ-980A** and attach a copy of the legal aid mandate obtained **for appeal purposes**.

If you have not yet obtained a legal aid mandate for your appeal, we strongly recommend that you contact legal aid to take the necessary steps as soon as possible. In such as case, you may need to ask for an extension of the time limit for filing form SJ-980A.

Don't wait before taking these steps.

ATTENTION

A copy of the legal aid mandate obtained in first instance (even for the court file of the judgment under appeal) or in another appeal file will not be accepted.

It is not enough to declare on the form that you are eligible for legal aid.

Notification/Filing

You must **file** your application for a transcript of the trial proceedings and the reproduction of exhibits with the office of the trial court:

Appeal as of right

- **Within 30 days** of the filing of the notice of appeal.
- Within the same period, you must **file** with the office of the Court of Appeal, **using DOCA**, a copy of the duly completed form SJ-980A, together with (i) proof that it was filed with or transmitted to the office of the trial court and (ii) proof of its notification to the other parties.
- If you do not file this form within the prescribed time limit, the clerk of the Court of Appeal may place your case on a special roll.
- If you are unable to file form SJ-980A within the prescribed time limit, you can file an application to extend the time limit with the clerk of the Court of Appeal. Your application to extend the time limit must comply with all the requirements of the *Rules of the Court of Appeal of Quebec in Criminal Matters*, including being notified to the other parties and being accompanied by a notice of presentation.

Appeal with leave (i.e., permission)

- **Within 30 days** of the date of (i) the judgment granting leave to appeal or (ii) the judgment referring the application for leave to appeal to the Court.
- This means that if your appeal requires leave, you do not have to complete form SJ-980A before the application for leave to appeal is granted or referred to the Court by a judgment.

Notice to the clerk

The clerk of the trial court must take the necessary steps to obtain the required transcript and exhibits **no later than four months** after the filing of **form SJ-980A**.

The clerk of the trial court must inform the parties and the clerk of the Court of Appeal that the appeal file, including the exhibits, is complete. You can then take immediate possession of the file.

As soon as you receive the transcripts, you must make them available to the other parties.

IMPORTANT

→ If you are the appellant or applicant, it is up to you to take the necessary steps to obtain the relevant exhibits and excerpts from the depositions taken in first instance and to include them in your brief or memorandum. You need to think about this as soon as the court file is opened. It is not the respondent's responsibility to obtain and include, in its brief or memorandum, the elements you need.

→ The exhibits and depositions that must be attached to your brief or memorandum are those that are necessary for the Court to decide the issues in dispute.

→ The Court office cannot help you "choose" which elements of the trial court file you should reproduce in your brief or memorandum. If in doubt, we strongly recommend you consult a lawyer.

ATTENTION

Since every application must include a copy of the documents necessary for its adjudication, you may have to request certain transcripts as soon as your file is opened.

For example, for an application for leave to appeal, you must include a copy of the **judgment** you wish to appeal. If only a handwritten version of the judgment exists (e.g., a judgment rendered on the minutes of the hearing), you must provide a typed **transcription** of the judgment, failing which your application may not be placed on the roll.

Therefore, some transcripts may be required *before* the application for leave to appeal is granted or referred to the Court.

APPLICATION IN THE COURSE OF A PROCEEDING

Please read the applicable provisions, including:

- Sections 9, 13, 20 to 24, 33 and 50 to 62 *R.C.A.Q.C.M.*
- Chief Justice's Directive entitled "Rules for the Preparation of the PDF Files Filed with the Court of Appeal"
- Clerk's Practice Direction No. 3 entitled "Digital Office of the Court of Appeal (DOCA)"
- Guidelines Concerning the Use of Technological Devices in Courtrooms

Purpose

An application in the course of a proceeding may be presented after an originating appellate pleading or an application to extend the time limit for an appeal has been filed.

Some applications, such as an application for release from custody pending the determination of the appeal or an application to suspend the sentence, may also be filed at the same time as the originating appellate pleading.

Every application, including an application for interim release from custody, must be filed on paper and must therefore be in writing.

Depending on the situation, the applicable provisions (including the *Criminal Code* or the *Rules of the Court of Appeal of Quebec in Criminal Matters*) confer jurisdiction to hear the application either:

i. on an appellate judge, among others, in which case you should address your application to a judge sitting alone;

ii. exclusively on the Court of Appeal (panel of three judges), in which case you should address your application to the Court; or

iii. on the clerk of the Court, among others, in which case you should address your application to the clerk.

IMPORTANT

→ Please note that this guide contains only general information. Court office staff are not authorized to give an opinion on the proceedings to be initiated in a given situation.

→ We strongly recommend you consult a lawyer.

Application in the course of a proceeding presented before an appellate judge

Please read the applicable provisions, including:

- Sections 8, 9, 13, 20 to 24, 33, 40, 45, 50 to 59, 61, 62 and 82 *R.C.A.Q.C.M.*
- Chief Justice's Directive entitled "Rules for the Preparation of the PDF Files Filed with the Court of Appeal"
- Clerk's Practice Direction No. 3 entitled "Digital Office of the Court of Appeal (DOCA)"
- Guidelines Concerning the Use of Technological Devices in Courtrooms

Purpose

An application in the course of a proceeding presented before a judge must be filed on paper and must therefore be in writing.

It **cannot exceed 10 pages**, which excludes the designation of the parties and the conclusions sought.

A judge may refer an application to the Court.

Examples

- Application for release from custody (s. 679 *Cr.C.* and s. 33 *R.C.A.Q.C.M.*)
- Application to suspend the sentence (s. 683(5) *Cr.C.*)
- Application presented to a judge to seek the assignment of counsel (s. 684(1) *Cr.C.*)

Notification/Filing

You must **notify and file** your application in the course of a proceeding addressed to a judge:

- at least **two working days** prior to its presentation date in the case of an application for interim release from custody or an application to amend the terms of release;

- at least **five working days** prior to its presentation date in all other cases.

Your application in the course of a proceeding addressed to a judge must be notified to the other parties (i) by technological means or (ii) by delivering one paper copy of the application.

Number of copies of an application in the course of a proceeding

You must file **two paper copies** of your application, together with:

i. one copy of the proof of notification to the other parties;

ii. an express statement of confidentiality (if applicable) beneath the court file number;

iii. an affidavit, if necessary;

iv. a notice of presentation; and

v. all the documents required for its adjudication.

Calendars of available dates

Please refer to the page entitled "Calendars of hearing dates of applications" on our website to determine the days on which you can present your application before a judge.

No reservation is required to present an application addressed to a judge.

Notice of presentation

Every application must be accompanied by a notice of presentation stating, in particular, the date and time it is to be presented and the courtroom in which the hearing will take place.

Between the filing date and the presentation date of your application, there must be:

➢ **at least two working days** in the case of an application for interim release from custody or an application to amend the terms of release. For more information, please refer to the section entitled "Application for interim release from custody (pending the determination of the appeal)";

➢ **at least five working days** in all other cases.

Such applications are presented from Monday to Friday at 9:30 a.m.

Montreal: Courtroom RC-18 / **Quebec City**: Courtroom 4.30

Digital Office of the Court of Appeal (DOCA)

Using DOCA, you must **transmit** the PDF file of your application on the day the paper version is filed, unless you are exempted from doing so.

Exemption: Self-represented parties who are detained or hospitalized are not required to transmit the PDF file of pleadings, briefs, memoranda or any other document they file on paper.

Book of authorities

If you want to file a book of authorities in support of your application, the PDF file must be filed through DOCA and notified to the other parties **at least two working days** before the presentation date of the application.

Decorum

Whether the hearing is held in person or by technological means, sober attire is reqtouired.



- ✓ Before filing your application, verify that it satisfies all the requirements mentioned in the checklist available on the Court's website and at the Court office
- ✓ To reduce the risk of errors, use the model pleadings in Word format prepared by the Court and made available on the Court's website.
- ✓ Before indicating a date in the notice of presentation, consult the available hearing dates at Calendars of hearing dates of applications.
- ✓ Make sure to attach all exhibits necessary to support your application addressed to a judge, including the contested **judgment**.



Avoid these frequent reasons for refusal

Your application was not validly notified.

Your application **exceeds** the **10-page** maximum.

The number of copies of the application is insufficient.

Your application was transmitted only by email, by fax or through DOCA without paper copies (except for originating appellate pleadings).

Application for interim release from custody (pending the determination of the appeal)

Please read the applicable provisions, including:

- Sections 9, 13, 20 to 24, 33, 50 to 59 and 61 *R.C.A.Q.C.M.*
- Chief Justice's Directive entitled "Rules for the Preparation of the PDF Files Filed with the Court of Appeal"
- Clerk's Practice Direction No. 3 entitled "Digital Office of the Court of Appeal (DOCA)"
- Guidelines Concerning the Use of Technological Devices in Courtrooms

IMPORTANT

This section deals with applications for interim release from custody pending the determination of the appeal. However, it is strongly suggested that you also read the previous section of the guide, which deals with applications in the course of a proceeding and contains information applicable to all applications.

Application for interim release from custody and content of the application

An application for interim release from custody pending the determination of the appeal must be filed on paper and must therefore be in writing.

It is generally presented before a judge.

Your application for release from custody must state:

- the conditions imposed on you in first instance, where applicable; and
- the conditions you consider appropriate on appeal.

You must attach to your application an affidavit certifying:

i. your places of residence in the three years prior to conviction as well as the place you intend to reside if released;

ii. if applicable, your employment before conviction, your employer, as well as your intended employment if released;

iii. if applicable, your prior convictions, including convictions outside Canada, in a clear and concise manner;

iv. if applicable, any charges pending against you, in Canada and elsewhere, at the time of the application; and

v. whether or not you hold a Canadian or foreign passport or have submitted a passport application that is pending.

Your application for release from custody **cannot exceed 10 pages**, which excludes the designation of the parties and the conclusions sought.

Notification/Filing

If you do not file your application for release from custody at the same time as the originating appellate pleading, you must **notify** your application for release from custody to the other parties (i) by **technological means or** (ii) by delivering **one paper copy** of the application.

You must **file two paper copies** of your application for release from custody at least **two working days** before its presentation date together with:

i. one copy of the proof of notification to the other parties;

ii. an express statement of confidentiality (if applicable) beneath the court file number;

iii. an affidavit (see above);

iv. a notice of presentation; and

v. all the documents required for its adjudication.

In the case of an application for interim release from custody pending an appeal to the Supreme Court of Canada, you must also attach written proof certifying that an application for leave to appeal or a notice of appeal **has been filed**.

If you want to file a book of authorities in support of your application, the book of authorities must be notified to the other parties and filed with the Court office **as soon as possible** before the presentation date of the application.

Exemption: Self-represented parties who are detained or hospitalized are not required to transmit the PDF file of pleadings, briefs, memoranda or any other document they file on paper.

Calendars of available dates

Please refer to the page entitled "Calendars of hearing dates of applications" on our website to determine the days on which you can present your application for release from custody before a judge.

No reservation is required to present your application for release from custody before a judge.

Notice of presentation

Every application must be accompanied by a notice of presentation stating, in particular, the date and time it is to be presented and the courtroom in which the hearing will take place.

There must be **at least two working days** between the filing date and the presentation date of your application for release from custody.

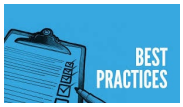
Such applications are presented from Monday to Friday at 9:30 a.m.

Montreal: Courtroom RC-18 / **Quebec City**: Courtroom 4.30

Decorum

You will appear by videoconference from the place where you are being held in custody.

Whether the hearing is held in person or by technological means, sober attire is required.



- ✓ Verify that your application satisfies all the requirements mentioned in the checklist available on the Court's website and at the Court office.
- ✓ To reduce the risk of errors, use the model pleading in Word format prepared by the Court and made available on the Court's website.



Avoid these frequent reasons for refusal

Your application for interim release from custody was sent to the Court office without proof of notification.

Your application **exceeds** the **10-page** maximum.

Your application was transmitted only by email, by fax or through DOCA without paper copies (except for originating appellate pleadings).

IMPORTANT

→ Every application must include a copy of the documents necessary for its adjudication. In particular, for an application for release from custody, you must include a copy of the contested **judgment**.

→ If only a handwritten version of the judgment exists (e.g., a judgment rendered on the minutes of the hearing), you must provide a typed **transcription** of the judgment, failing which your application may not be placed on the roll.

Application in the course of a proceeding presented before the Court (panel of three judges)

Please read the applicable provisions, including:

- Sections 675(1)(a)(iii), 675(4), 680, 683(1) and 684(1) *Cr.C.*
- Sections 8, 9, 13, 20 to 24, 44 para. 1 and 50 to 62 *R.C.A.Q.C.M.*
- Chief Justice's Directive entitled "Rules for the Preparation of the PDF Files Filed with the Court of Appeal"
- Clerk's Practice Direction No. 3 entitled "Digital Office of the Court of Appeal (DOCA)"
- Guidelines Concerning the Use of Technological Devices in Courtrooms

Purpose

An application in the course of a proceeding presented before the Court (panel of three judges) must be filed on paper and must therefore be in writing.

It **cannot exceed 10 pages**, which excludes the designation of the parties and the conclusions sought.

Example

- Application presented to the Court to seek the assignment of counsel (s. 684(1) *Cr.C.*)

Notification/Filing

You must **notify and file** your application addressed to the Court at least **10 working days** before its presentation date.

You must file **four paper copies** of your application, together with (i) a copy of the proof of notification to the other parties; (ii) an express statement of confidentiality (if applicable) beneath the court file number; (iii) an affidavit, if required; (iv) a notice of presentation; and (v) all the documents required for its adjudication.

Every application in the course of a proceeding addressed to the Court must be **notified** to the other parties by **technological means or** by delivering **one paper copy** of the application.

In the case of an application presented to the Court to seek the assignment of counsel, the application must also be **served** on the Attorney General.

Book of authorities

If you want to file a book of authorities in support of your application, the PDF file must be filed through DOCA and notified to the other parties **at least five working days** before the date of presentation of the application before the Court.

Notice of presentation

Every application must be accompanied by a notice of presentation stating, in particular, the date and time it is to be presented and the courtroom in which the hearing will take place.

There must be **at least 10 working days** between the filing date and the presentation date of your application in the course of a proceeding addressed to the Court.

Such applications are presented at 9:30 a.m.:

Montreal: every Monday, during the weeks when the Court is sitting (Pierre-Basile Mignault Courtroom).

Quebec City: one Monday a month, during the weeks when the Court is sitting (Courtroom 4.33).

Reservation

Please refer to the page entitled "Calendars of hearing dates of applications" on our website to determine the days on which you can present your application before the Court.

If you want to present your application before the Court, you must, prior to filling out your notice of presentation, reserve a date by calling the Court office:

Montreal: 514-393-2022 / **Quebec City**: 418-649-3401

ATTENTION

As a limited number of applications are heard by the Court on each hearing day, you must reserve your place on the roll.

Once your reservation has been made, you have **five working days** to file your application;

If you do not file your application within this time limit, your reservation will be cancelled without further notice.

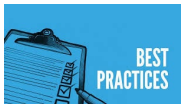
Digital Office of the Court of Appeal (DOCA)

Using DOCA, you must **transmit** the PDF file of your application on the day the paper version is filed, unless you are exempted from doing so.

Exemption: Self-represented parties who are detained or hospitalized are not required to transmit the PDF file of pleadings, briefs, memoranda or any other document they file on paper.

Decorum

Whether the hearing is held in person or by technological means, sober attire is required.



- ✓ Before filing your application addressed to the Court, verify that it satisfies all the requirements mentioned in the checklist available on the Court's website and at the Court office
- ✓ To reduce the risk of errors, use the model pleadings in Word format prepared by the Court and made available on the Court's website.
- ✓ Before indicating a date in the notice of presentation, consult the available hearing dates at Calendars of hearing dates of applications and reserve a presentation date by calling the Court office.
- ✓ Make sure to attach all exhibits necessary to support your application addressed to the Court.



Avoid these frequent reasons for refusal

Your application in the course of a proceeding was not validly notified.

Your application **exceeds** the **10-page** maximum.

The number of copies of the application is insufficient.

Your application was transmitted only by email, by fax or through DOCA without paper copies (except for originating appellate pleadings).

Application presented before the clerk

Please read the applicable provisions, including:

- Sections 8, 9, 13, 20 to 24, 50 to 59 and 82 *R.C.A.Q.C.M.*
- Chief Justice's Directive entitled "Rules for the Preparation of the PDF Files Filed with the Court of Appeal"
- Clerk's Practice Direction No. 3 entitled "Digital Office of the Court of Appeal (DOCA)"
- Guidelines Concerning the Use of Technological Devices in Courtrooms

Purpose

An application presented before the clerk must be filed on paper and must therefore be in writing.

It **cannot exceed 10 pages**, which excludes the designation of the parties and the conclusions sought.

The clerk may refer an application to a judge or to the Court (panel of three judges).

Example

- Application to extend the time limit for filing form SJ-980A

Notification/Filing

You must **notify** your application addressed to the clerk to the other parties, either by technological means **or** by delivering one paper copy of the notice, and **file** it at least **two working days** before its presentation date.

You must file **two paper copies** of your application, together with:

i. one copy of the proof of notification to the other parties;

ii. an express statement of confidentiality (if applicable) beneath the court file number;

iii. an affidavit, if required;

iv. a notice of presentation; and

v. all the documents required for its adjudication.

Notice of presentation

There must be **at least two working days** between the filing date and the presentation date of your application addressed to the clerk.

Such applications are presented from Monday to Friday at 9:00 a.m.

Montreal: Courtroom RC-18 / **Quebec City**: Courtroom 4.30

Book of authorities

If you want to file a book of authorities in support of your application, you must file and notify it **as soon as possible** before the presentation date of the application. Please refer to: Book of authorities and hearing.

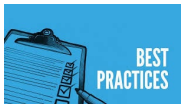
Digital Office of the Court of Appeal (DOCA)

Using DOCA, you must **transmit** the PDF file of your application on the **day** the paper version is filed, unless you are exempted from doing so.

Exemption: Self-represented parties who are detained or hospitalized are not required to transmit the PDF file of the book of authorities, pleadings, briefs, memoranda or any other document they file on paper.

Decorum

Whether the hearing is held in person or by technological means, sober attire is required.



- ✓ Before filing your application addressed to the clerk, verify that it satisfies all the requirements mentioned in the checklist available on the Court's website and at the Court office.
- ✓ Make sure to attach all exhibits necessary to support your application addressed to the clerk.



Avoid these frequent reasons for refusal

Your application was not validly notified.

Your application **exceeds** the **10-page** maximum.

The number of copies of the application is insufficient.

Your application was transmitted only by email, by fax or through DOCA without paper copies.

PREPARATION AND FILING OF BRIEFS AND MEMORANDA

Preparation and filing of briefs and memoranda

Please read the applicable provisions, including:

- Sections 9, 10, 13, 20, 21, 24, 30, 37 to 46 and 63 to 65 *R.C.A.Q.C.M.*
- Chief Justice's Directive entitled "Rules for the Preparation of the PDF Files Filed with the Court of Appeal"
- Clerk's Practice Direction No. 3 entitled "Digital Office of the Court of Appeal (DOCA)"

For purposes of your appeal, you must necessarily file a brief or memorandum, as the case may be.

In general, unless otherwise specified or ordered, the document to be filed is:

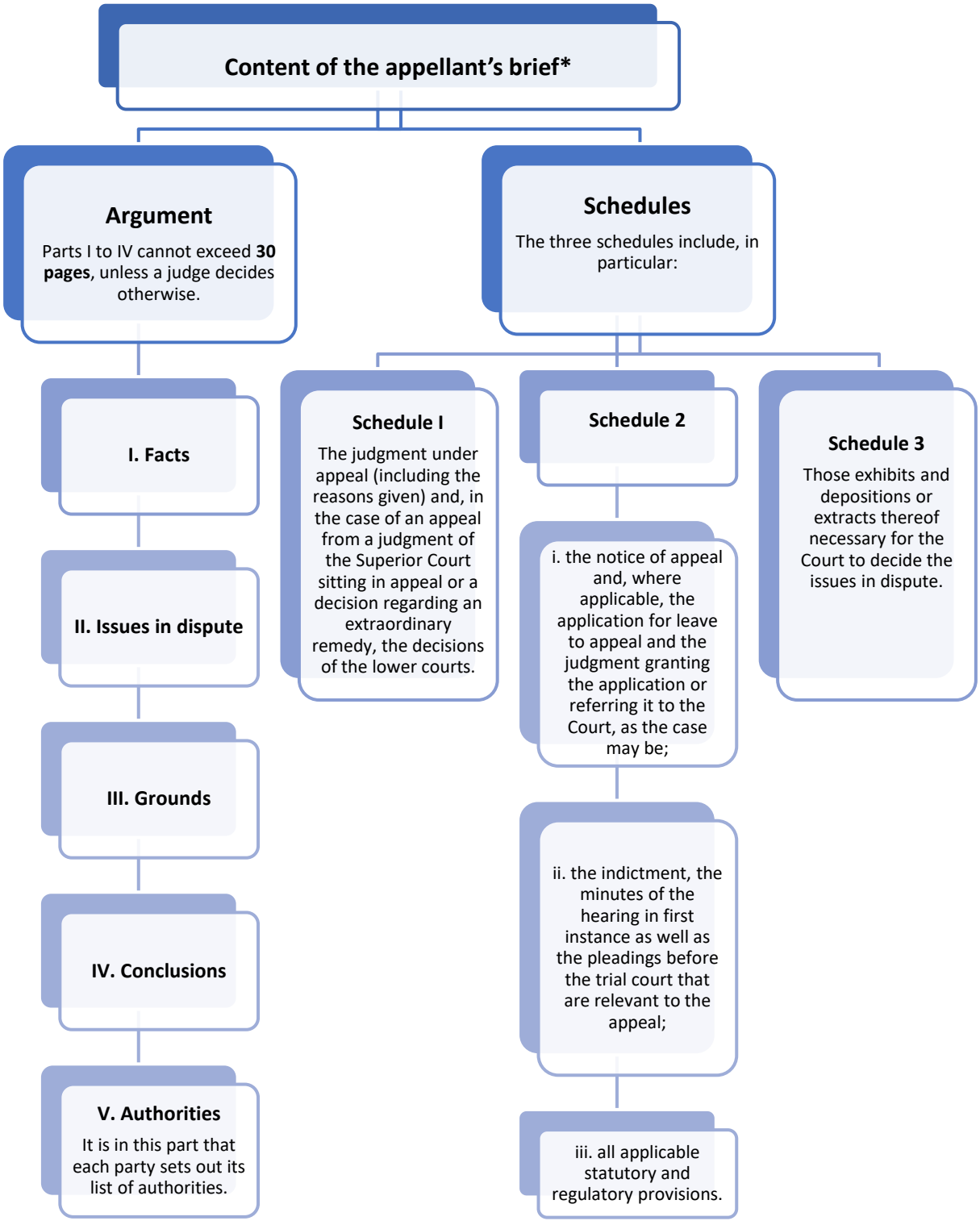
- a **brief** if you are appealing from a **conviction**;
- a **memorandum** if the law provides for it or if the Court or a judge or requires it as part of a management measure, for example, if you wish to appeal from a **sentence**, which generally requires leave (i.e., permission). Most of the time, when a judge grants your application for leave to appeal or refers it to the Court, the judge will, among other things, set the filing deadline for the memorandum and the maximum number of pages it can contain.

Relevant excerpts from the evidence and a list of the authorities relied on are attached to the brief or memorandum. The judges hearing the case will review each brief or memorandum before the hearing on the merits.

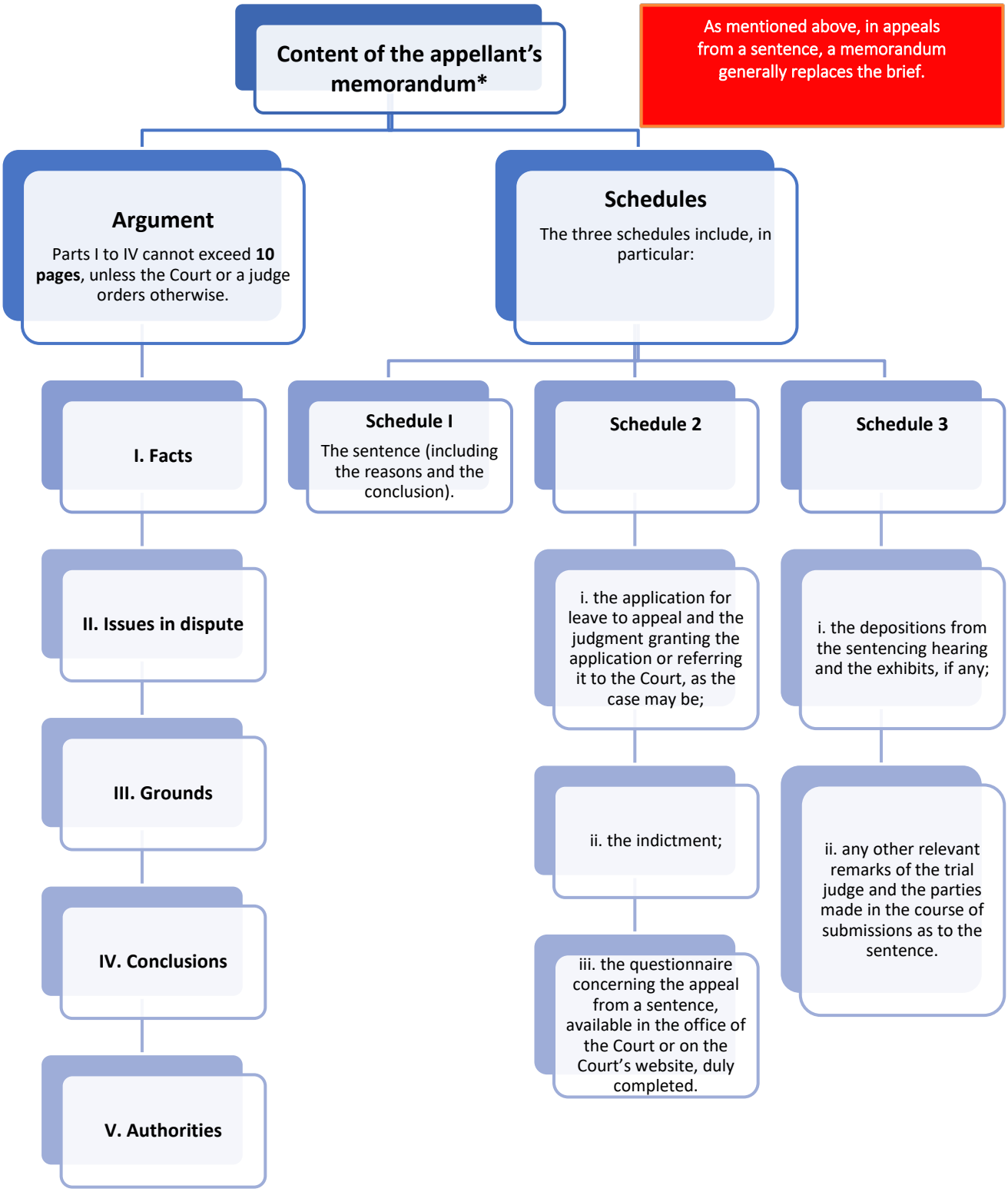
IMPORTANT

→ There are many similarities and differences between briefs and memoranda. Their content is described below.

→ If you are unsure whether you must file a brief or a memorandum, contact the Court office.



* **See**: Model in Criminal Matters — Appellant's Brief; Model in Criminal Matters — Respondent's Brief



* **SEE**: Model in Criminal Matters — Appellant's Memorandum; Model in Criminal Matters — Respondent's Memorandum

IMPORTANT

→ If you are the appellant or applicant, it is up to you to take the necessary steps to obtain the relevant exhibits and excerpts from the depositions taken in first instance and to include them in your brief or memorandum. You need to think about this as soon as the court file is opened. It is not the respondent's responsibility to obtain and include, in its brief or memorandum, the elements you need.

→ The exhibits and depositions that must be attached to your brief or memorandum are those that are necessary for the Court to decide the issues in dispute.

→ The Court office cannot help you "choose" which elements of the trial court file you should reproduce in your brief or memorandum. If in doubt, we strongly recommend you consult a lawyer.

→ If the Court has granted you the exceptional authorization to adduce fresh evidence on appeal, you must include, in Schedule 2 of your brief or memorandum, the application for authorization to adduce fresh evidence and the judgment authorizing the filing of this fresh evidence together with the evidence in question. We suggest you refer to the Court's judgment.

Notification/Filing

You must **file five paper copies** of your brief or memorandum and **notify** it to the other parties **either** by delivering **one paper copy** thereof **or** by notifying it **solely by technological means**, if the other parties have so consented, the whole within the time limits set out below.

You must also file proof of notification of your brief or memorandum to the other parties **within three working days** after its filing.

Party	Notification and filing time limit
Appellant:	Within **60 days** of the date of the notice provided for in s. 32 *R.C.A.Q.C.M.* This notice is sent to the office of the Court of Appeal and to the parties by the clerk of the trial court once the appeal file is complete, namely, once the copy of the exhibits and the transcripts are ready. The appellant can then take immediate possession thereof. If you have retained the services of a private stenographer, you must inform the other parties, the office of the Court of Appeal and the clerk of the trial court once the transcripts are ready, so that the clerk of the trial court can then follow the procedure set out in s. 32.
Respondent:	Within **60 days** from the filing of the appellant's brief.
Other parties (impleaded parties or intervenors):	Within **90 days** from the filing of the appellant's brief.

The same time limits apply to a party's memorandum, unless the Court, the judge or the clerk establishes different time limits.

You can apply to the clerk or a judge for an extension of the time limit, before its expiry, by notifying to the other parties and filing with the Court office an application for the extension of the time limit for filing a brief or memorandum.

IMPORTANT

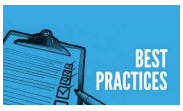
The clerk checks that all briefs and memoranda comply with the requirements of the *Rules of the Court of Appeal of Quebec in Criminal Matters*. If this is not the case, the clerk will advise you of the corrections required and establish a time limit for doing so. Failing correction within the stipulated time limit, your brief or memorandum will be refused.

If you fail to file your brief or memorandum with a proof of notification within the stipulated time limits, the Court may, of its own initiative or by application, dismiss the appeal in accordance with the procedure set out in s. 80 *R.C.A.Q.C.M.*

Digital Office of the Court of Appeal (DOCA)

Using DOCA, you must **transmit** the PDF file of your brief or memorandum **within five working days** after the paper version is filed.

Exemption: Self-represented parties who are detained or hospitalized are not required to transmit the PDF file of the book of authorities, pleadings, briefs, memoranda or any other document they file on paper.



- ✓ Be concise when writing your brief or memorandum.
- ✓ Verify that your brief or memorandum satisfies all the requirements mentioned in the checklist available on the Court's website and at the Court office.
- ✓ To reduce the risk of errors, use the model pleadings in Word format prepared by the Court and made available on the Court's website.

Avoid these frequent reasons for refusal

REFUSED

The brief **exceeds** the **30-page** maximum (or the maximum set by order of the judge or the Court).

The memorandum exceeds the maximum number of pages permitted.

IMPORTANT

→ We remind you that you must gather all confidential elements of your brief or memorandum in a separate volume.

→ To indicate that the volume is confidential, the binding (spiral or tape) of the volume must be red.

→ You must also mark the cover of the volume with the word “CONFIDENTIAL” in red lettering.

→ If the PDF file of your brief is confidential, you must indicate this clearly.

Consequences of failing to file a brief or memorandum

If the clerk finds that the case is not progressing in accordance with the *Rules of the Court of Appeal of Quebec in Criminal Matters*, he or she may place the case on a special roll.

In such a case, the clerk will send you a 30-day prior written notice by registered mail.

If the clerk's instructions or the *Rules of the Court of Appeal of Quebec in Criminal Matters* have not been complied with or if the appeal is not ready to be placed on the roll on the date mentioned in the notice, the Court, after providing the parties an opportunity to be heard, may: (i) declare the appeal abandoned; (ii) declare the appeal ready to be placed on the roll; or (iii) declare that the respondent is foreclosed from pleading.

If the party in default can show valid cause, the Court will make the order it deems appropriate.

BOOK OF AUTHORITIES AND HEARING

Readiness for hearing

Please read the applicable provisions, including:

➢ Sections 68, 78 and 80 *R.C.A.Q.C.M.*

When the appeal is ready to be heard and a hearing date has not previously been set by the Court, by a judge or by the clerk, the clerk must issue a declaration of readiness.

The notice is sent to the lawyers and to self-represented parties.

The master of the rolls then determines the hearing date based on the date of the notice, unless the Chief Justice gives specific instructions or unless legal provisions establish an order of priority.

Book of authorities

Please read the applicable provisions, including:

➢ Sections 13 and 47 to 49 *R.C.A.Q.C.M.*

➢Chief Justice's Directive entitled "Rules for the Preparation of the PDF Files Filed with the Court of Appeal"

➢ Clerk's Practice Direction No. 3 entitled "Digital Office of the Court of Appeal (DOCA)"

Purpose

For purposes of the hearing on the merits of the appeal, you **may** file a book of authorities.

Your book of authorities must contain the case law or doctrine you consider relevant.

You must indicate the relevant passages to facilitate finding them, by either:

- underlining them;
- highlighting them; or
- identifying them with vertical lines in the margin.

You can choose to include only the relevant excerpts, together with the preceding page and the succeeding page, and the headnote (summary), if there is one.

You must separate authorities from one another with numbered tabs.

Your book of authorities need not include judgments contained on the *List of judgments deemed to be part of a book of authorities*.

On the cover page of each volume of your book of authorities, you must indicate:

- the file number;
- the designation of the parties;

- the title; and
- the status of the party filing the book of authorities.

Notification/Filing

You must **notify and file** your book of authorities:

if you are the appellant: **at least 40 days** before the date set for the appeal hearing;

if you are the respondent or any other party: **at least 30 days** before the date set for the appeal hearing.

You must **notify** your book of authorities to the other parties.

Digital Office of the Court of Appeal (DOCA)

Unless you are exempted, you must **file** your book of authorities, with a copy of the proof of notification to the other parties, through DOCA.

Exemption: Self-represented parties who are detained or hospitalized are not required to transmit the PDF file of the book of authorities, pleadings, briefs, memoranda or any other document they file on paper.

List of judgments deemed to be part of a book of authorities

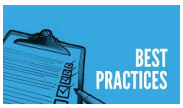
In accordance with section 48 of the *Rules of the Court of Appeal of Quebec in Criminal matters* (*R.C.A.Q.C.M.*) and section 43 of the *Regulation of the Court of Appeal of Quebec in Penal matters* (*R.C.A.Q.P.M.*), the Court publishes a list of judgments that parties are exempt from including in their book of authorities. The case law included in this list is deemed to be part of the book of authorities. The Court is familiar with these judgments, which are frequently relied on before it. However, if a party wishes to draw the attention of the Court to one or more of these judgments, it may limit itself to including relevant excerpts (along with the preceding and succeeding pages) together with the headnote of the judgment (if available) (s. 47 para. 4 *R.C.A.Q.C.M.* and s. 42 para. 4 *R.C.A.Q.P.M.*).

This list does not constitute an exhaustive list of relevant judgments for any particular subject matter, nor an opinion in that regard.

List of judgments in Criminal and Penal Matters

- Kienapple v. R., [1975] 1 S.C.R. 729
- R. v. Sault Ste. Marie, [1978] 2 S.C.R. 1299
- Palmer v. R., [1980] 1 S.C.R. 759
- Hunter v. Southam, [1984] 2 S.C.R. 145
- R. v. Yebes, [1987] 2 S.C.R. 168
- R. v. Garofoli, [1990] 2 S.C.R. 1421
- R. v. W.(D.), [1991] 1 S.C.R. 742
- R. v. Stinchcombe, [1991] 3 S.C.R. 326
- R. v. Shropshire, [1995] 4 S.C.R. 227

- R. v. M. (C.A.), [1996] 1 S.C.R. 500
- R. v. Lifchus, [1997] 3 S.C.R. 320
- R. v. Proulx, [2000] 1 S.C.R. 61, 2000 SCC 5
- R. v. Biniaris, [2000] 1 S.C.R. 381, 2000 SCC 15
- R. v. Starr, [2000] 2 S.C.R. 144, 2000 SCC 40
- R. v. Sheppard, [2002] 1 S.C.R. 869, 2002 SCC 26
- R. v. Braich, [2002] 1 S.C.R. 903, 2002 SCC 27
- R. v. Cinous, [2002] 2 S.C.R. 3, 2002 SCC 29
- R. v. Beaudry, [2007] 1 S.C.R. 190, 2007 SCC 5
- R. v. L.M., [2008] 2 S.C.R. 163, 2008 SCC 31
- R. v. J.H.S., [2008] 2 S.C.R. 152, 2008 SCC 30
- R. v. C.L.Y., [2008] 1 S.C.R. 5, 2008 SCC 2
- R. v. Nasogaluak, [2010] 1 S.C.R. 206, 2010 SCC 6
- R. v. Lacasse, [2015] 3 S.C.R. 1089, 2015 SCC 64
- R. v. Jordan, [2016] 1 S.C.R. 631, 2016 SCC 27



✓ Verify that your book of authorities satisfies all the requirements mentioned in the checklist available on the Court's website and at the Court office.

Hearing

Please read the applicable provisions, including:

- Sections 7, 8, 35, 72, 74 and 77 *R.C.A.Q.C.M.*
- Guidelines Concerning the Use of Technological Devices in Courtrooms

The Court sits from September to June to hear appeals on the merits.

Hearing rolls may be consulted on the page entitled "Rolls - Appeals on merits" of our website and are sent at least 60 days before the hearing to lawyers and to self-represented parties.

The sending of the roll constitutes the notice of hearing. It specifies the time allotted to each party for oral argument.

Rules to follow at a Court hearing

Here are some important rules	
	**Monday to Friday**, hearings **begin at 9:30 a.m.** Nonetheless, the clerk may convene you at a different time, given that several cases may be heard on the same day.
	You must wear **sober** attire that **respects** the Court's decorum.
	Please ensure that your cell phone and other electronic devices are in **silent mode** at all times.
	Hearings are public, with some exceptions.
	Hearings are recorded by the clerk (audio only). **No one may**, at any time, take photographs, take screenshots or make any audio or video recording of a hearing, or disseminate such photographs, screenshots or recordings, in whole or in part.
	After oral arguments, the Court of Appeal may render its decision, referred to as a judgment: - at the end of the hearing. In such a case, the judgment is rendered from the bench by the judge presiding at the hearing and the judgment is written down in the minutes of the hearing; - after having taken the matter under advisement. In such a case, the clerk sends the parties a copy of the judgment as soon as it has been rendered.