



# SUMMARY CONVICTION APPEALS

KING'S BENCH REQUIREMENTS



# What is a Deputy Registrar's Duties

# NOTICE OF APPEAL – SUMMARY CONVICTION OFFENCES

This applies to Convictions, Penalty/Sentences or an Order made in Provincial Court regarding an information. Default Convictions are included in the definition of a conviction

This is specific to information under the Provincial Offences Act or in relation to a Summary Conviction under the Criminal Code.

If an appellant is filing under both the Provincial Offences Act (POA) and the Criminal Code – the appeals can be on the same file.

To verify that the appeal is within the 30-day deadline, the Disposition Sheet, Disposition Particulars, Informations and any other Orders that the Appellant wishes to appeal should be provided. These documents do not need to be submitted separately; they can be stapled to the Notice of Appeal.

# JURISDICTION / WHERE TO FILE

## The Criminal Code of Canada;

- **Manitoba and Alberta**

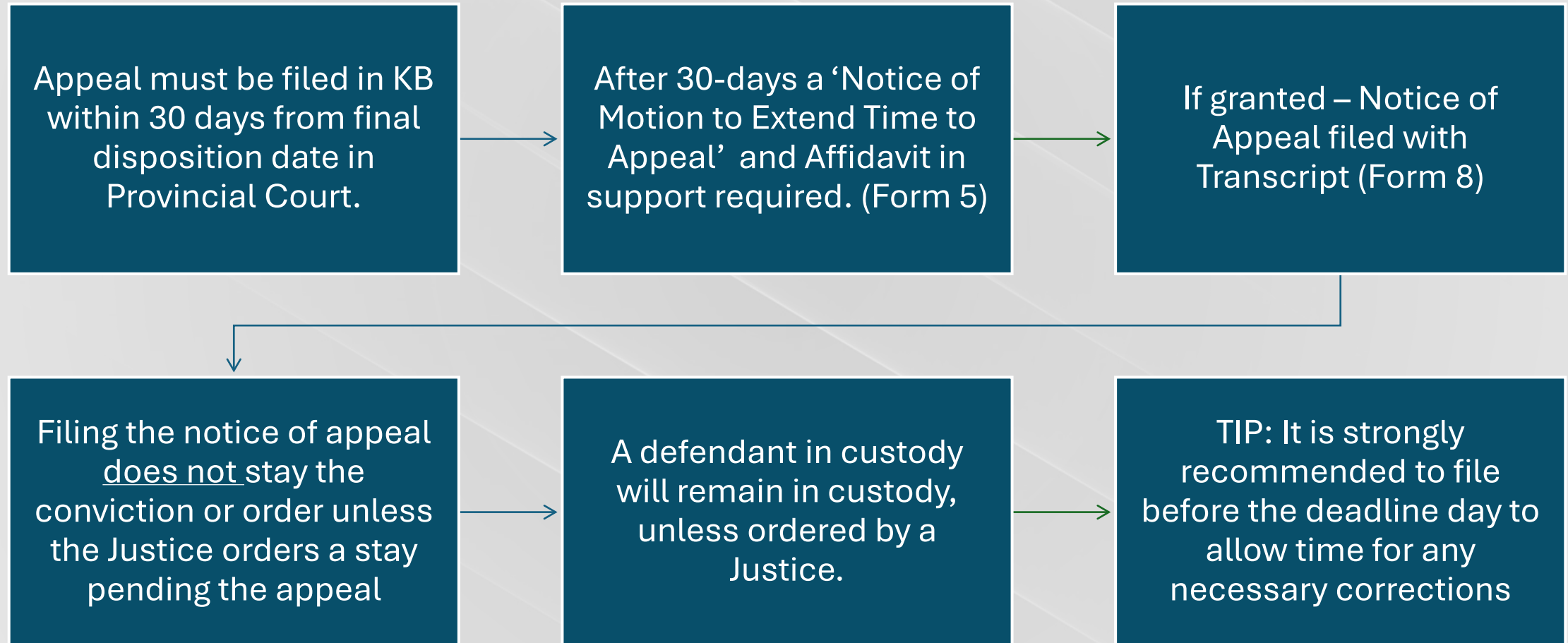
- **814 (1)** In the Provinces of Manitoba and Alberta, an appeal under section 813 shall be heard at the sittings of the appeal court that is held nearest to the place where the cause of the proceedings arose, but the judge of the appeal court may, on the application of one of the parties, appoint another place for the hearing of the appeal.
- Criminal filings are only accepted at the following courts. The filing location is determined by where the charges or dispositions were laid, meaning the file should be submitted to the court closest to where the charges were filed.
  - Brandon
  - Dauphin
  - Portage la Prairie
  - The Pas
  - Thompson
  - Winnipeg

# WHEN LEAVE TO APPEAL IS REQUIRED VS. NOT REQUIRED

Leave is not required  
when a charge is laid by  
an information

Leave to Appeal is  
required when appealing  
a conviction or order from  
the Provincial Offences  
Court under the POA

# DEADLINES / LIMITATIONS



# FILING FEES FOR NOTICE OF APPEAL

Under Criminal  
Code

(Information)

**NO FEE**

Under Provincial  
Offences Act

(Ticket)

**\$50.00 fee.**

# NOTICE OF MOTION TO EXTEND TIME – granted

- If Notice of Motion to Extend Time is granted - can proceed to filing Notice of Appeal.
- **Documents Required:**
  - Notice of Appeal (Form 8) – **4 copies**
    - 1 -Original for the court,
    - 1- Crown/Respondent,
    - 1- Admission of service copy
    - 1- Appellant
    - Filing Fee if required
- Transcript or Certificate from Transcription Services confirming order has been placed.
  - ***Transcripts***
  - Criminal Proceedings Rules of Manitoba Court of King's Bench
    - **20.05(1)** A notice of appeal must be accompanied by a certificate from Manitoba's transcription services confirming that at least three copies of the transcript of the proceedings have been ordered and that the order has been accepted.

Service admitted this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
(Signature)

Name of counsel: \_\_\_\_\_



# NOTICE OF MOTION TO EXTEND TIME – GRANTED CONTINUED

- To ensure the Notice of Appeal is accepted for filing, the following documents are to be provided
  - Disposition Sheet,
  - Disposition Particulars,
  - Information(s), any related orders that the appellant wishes to appeal must be provided.
- These documents do not need to be submitted separately; they can be stapled to the Notice of Appeal.
- The Information's are to be a copy of the officially sworn PC information, they **DO NOT** need to be certified.
- The Notice of Appeal must be dated and **originally** signed.

# TRANSCRIPTS

- The transcript must have arrived at the court or confirmation that physical copies of the transcript of the proceedings have been ordered and that the order has been accepted. (signature must be present on bottom of order form).

OFFICE USE ONLY		
<b>Order Certification</b> <i>(Completed by Veritext Legal Solutions when the Court requires confirmation of a transcript order.)</i>		
I hereby certify that the requestor has ordered a transcript. The expected date of completion is _____		
_____	_____	_____
Date	Name of Veritext Staff Member	Signature of Veritext Staff Member

- \*\*\*If this section is not completed – Appeal will not be accepted\*\*\*

# SERVICE OF THE NOTICE OF APPEAL

- Appellant is responsible to serve the respondent.
- Must be served personally no later than 30 days after the date on which it is filed.
- The Appellant must file proof of service (copy of the Notice of Appeal with the admission of service stamp by the Crown) no later than seven days after service is affected.
- When the Crown attorneys' office receives the transcript, they will contact the appellant by email (or, if an email address has not been provided, by registered letter) to discuss next steps.




# HELPFUL TIPS FOR FILLING OUT THE FORMS

Notice of Appeal – Form 8 - page 1

File No. \_\_\_\_\_


THIS SHOULD STATE  
THE CENTRE THAT YOU  
ARE FILING AT (I.E.  
WINNIPEG)




**THE KING'S BENCH**  
\_\_\_\_\_ **Centre**

BETWEEN:

(applicant or respondent)




(applicant or respondent)



MAKE SURE  
TO SELECT  
WHICH  
PARTY ID IS  
APPLICABLE

PLEASE ENSURE THAT ALL OF  
THIS INFORMATION IS FILLED  
OUT, INCLUDING THE EMAIL  
ADDRESS



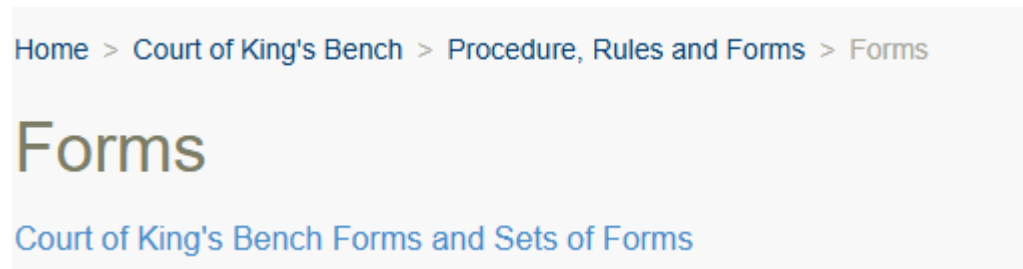
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*(name, address, email address and telephone  
and fax numbers of the person filing the document)*

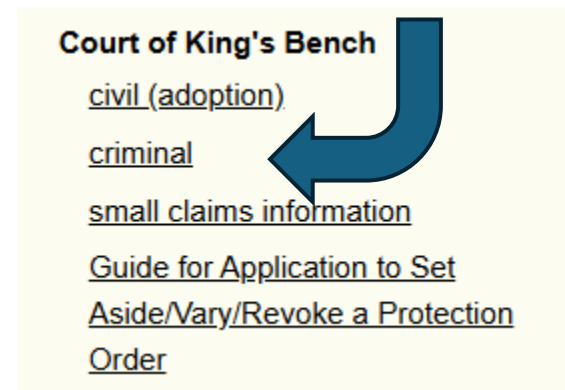
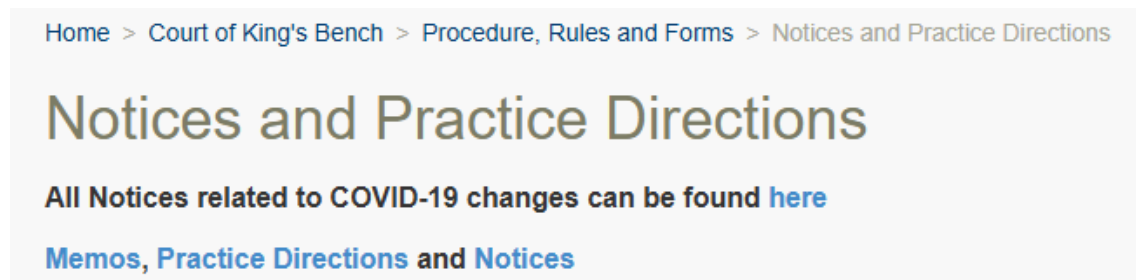
# Resources

[www.manitobacourts.mb.ca](http://www.manitobacourts.mb.ca)

Forms:



Practice Directions and Notices:



# THANK YOU

Please direct any questions to my  
manager, Aaron!

[Aaron.Aitkenhead@gov.mb.ca](mailto:Aaron.Aitkenhead@gov.mb.ca)