

22 - 2014

NOTICE TO THE PROFESSION

APPLICANTS SEEKING COVERAGE TO APPEAL TO:

- **The Supreme Court of Canada**
- **The Federal Court of Appeal**
- **The Manitoba Court of Appeal**

Pursuant to section 12 of the *Legal Aid Manitoba Regulation*, persons seeking to appeal to the above courts are required to provide additional information with their application.

Quite often that information is not provided causing significant delay, and use of Legal Aid's resources to bring an application to the point where it can be properly assessed. In light of this, an Appeal Application Form has been created that must accompany any Legal Aid Application in which the applicant is seeking coverage for an appeal to the Court of Appeal, Federal Court of Appeal or Supreme Court of Canada.

A copy of the [Appeal Application Form](#) is attached to this notice along with:

- an [Institutional Request Form](#) for use by in-custody applicants to request the appropriate documents from their institutional file; and
- a [Prisoners Own Appeal form](#), (Manitoba Court of Appeal) so applicants can secure their right of appeal pending assessment of their application.

Legal Aid applications seeking to appeal to the above courts that do not include:

- a copy of this additional application, properly completed; and/or
- the additional information, required by the *Regulation*, (where available or an explanation where it is not available)

may result in the application being refused by Legal Aid Manitoba.

PB ONLINE:

Have you signed up for PB Online as yet? Effective April 1, 2014 all certificates and disclosure will be issued electronically to lawyers.

Visit "For Lawyers" at

<http://www.legalaid.mb.ca/for-lawyers/pbonline> for instructions on how to set up your account.

**Additional information for Persons seeking to Appeal to the Manitoba Court of Appeal,
Supreme Court of Canada or Federal Court of Appeal**

Name: _____ DOB: _____

Judge making order: _____ Judgement in: PJC QB

Date of Judgement: _____

Please note that the appeal period expires 30 days from the date of sentence. You may file a Prisoner's Own Appeal to ensure you do not lose your right of appeal while we are processing your application. A copy is attached to this form.

Your Legal Aid Application **must** include the following documents or an explanation for why they are not available:

A: Opinion

The opinion of your lawyer as to the legal merit to appeal or seek leave to appeal.

OR

I have attached my explanation why I feel there are grounds to appeal. I have also provided an explanation why I cannot get an opinion from my lawyer.

B: Copy of Order / Judgement

A copy of the order or judgement from which the appeal is to be taken.

OR

I have attached an explanation why I cannot provide this.

C: Copy of Reasons for Order / Judgement

A copy of the reasons for the order or judgement from which the appeal is to be taken.

OR

I have attached an explanation why I cannot provide this.

Copies of Orders and Judgements and Reasons for Orders and Judgements for those persons held in custody may be found in your institutional file. You will need to request the Court Information, Disposition Sheet, Warrant of Committal and Reasons for Decision (if any). For those out of custody please see the Manitoba Courts Website http://www.manitobacourts.mb.ca/judgements_transcripts.html for information regarding how to obtain copies of the orders or transcripts.

Failure to provide the above information or a reasonable explanation as to why you are unable to provide the above information may result in your application for legal aid being refused.

SCHEDULE

FORM 1
(Subrule 3(1))

NOTICE OF APPEAL/NOTICE OF APPLICATION FOR LEAVE TO APPEAL BY ACCUSED

IN THE MATTER OF _____
 _____ (name of accused in full)
 _____ convicted (or pleaded guilty) on the _____ day of _____, 20____,
 (D.O.B. D/M/Y)
 of _____
 _____ (state the charge(s) in full)
 before _____ at the _____ in _____, and
 (name of judge) (name of court) (court centre)
 was sentenced on the _____ day of _____, 20____ before _____ at the
 _____ (name of judge)
 _____ in _____, and now in custody at
 (name of court) (court centre)

 (name of institution or penitentiary)

or

whose last known address is:

The accused intends to _____ to The Court of Appeal against the
 _____ (appeal or apply for leave to appeal)
 _____ on the following grounds:
 (conviction and/or sentence)

And such further grounds as counsel may advise and This Honourable Court may permit.

The accused wishes to present his/her case and argument _____
 (in writing or by oral argument)

The accused _____ to be present in person at the hearing of the appeal.
 (desires or does not desire)

WAS ORAL EVIDENCE TENDERED AT TRIAL? YES NO

HAS A TRANSCRIPT OF THE EVIDENCE WITH RESPECT TO CONVICTION AND/OR SENTENCE BEEN ORDERED FROM TRANSCRIPTION SERVICES? YES NO

Address for service for the accused is _____
 (Address of accused or counsel for accused)

DATED this _____ day of _____, 20____.

(Signature of accused or counsel for accused)

TO: The Registrar of The Court of Appeal
 Law Courts Building
 100E - 408 York Avenue
 Winnipeg, MB R3C 0P9

AND TO: Manitoba Justice
Criminal Prosecutions
5th Floor - 405 Broadway
Winnipeg, MB R3C 3L6

OR

Department of Justice Canada
Criminal Prosecutions
301 - 310 Broadway
Winnipeg, MB R3C 0S6

**LEGAL AID MANITOBA
INMATE REQUEST FORM**

NAME: _____

DATE: _____

LOCATION: _____

To the Unit Manager/Supervisor,

I am applying to Legal Aid Manitoba for assistance to appeal my conviction and/or sentence. To assess my application, Legal Aid Manitoba requires a copy of the following:

1. Court Information
2. Disposition sheet / Warrant of Committal
3. Written Reasons for Decision

Please forward these documents, if available, to the Executive Director at the address/fax number, or email below.

All requested documents are to be sent directly to:

Executive Director
Legal Aid Manitoba
4th Floor, 287 Broadway
Winnipeg, MB R3C 0R9
Fax: (204) 944-8582

I agree to pay any fees associated with faxing these documents.

Inmate Signature