

## Guide for Provincial Offences Act Appeals

### Can I appeal a conviction or sentence for a provincial offence?

Your right to appeal a conviction or sentence depends on whether you were charged by a "ticket" or an "information".

If you were charged by a ticket, you cannot appeal the sentence (fine or reprimand). If you wish to appeal the conviction or order, you can do so if you get "leave" (permission) from a judge. To get leave, you must satisfy the judge that the conviction was based on a legal error, that is to say, that the reasoning of the judge or justice who convicted you was incorrect. You cannot get leave to appeal just because you do not agree with the decision to convict you. Similarly, if you were acquitted, the Crown attorney must get leave to appeal the acquittal.

If you were charged by an information, you may appeal the conviction or sentence without obtaining leave. The Crown attorney may appeal an acquittal, sentence, or order without obtaining leave.

### How do I appeal?

To start your appeal, you must:

- complete an Application for Leave/Notice of Appeal and file it in the court office **within 30 days** of the date on which you were sentenced. You must file at the Court of Queen's Bench office closest to where the incident occurred.
- attach proof that you have ordered a transcript of the hearing before the provincial judge or justice of the peace whose decision you are appealing from Transcription Services (Law Courts Building, 200-408 York Avenue, Winnipeg). There is a fee for the transcript.
- pay a fee of \$35.00
- deliver a copy of the Application for Leave/Notice of Appeal to the Crown attorney within 30 days of the date that you file your appeal. You must serve the Crown attorneys' office closest to the Court of Queen's Bench office where you filed. The Crown attorneys' office locations are listed on the next page.

## **What happens next?**

Transcription Services will notify you when the transcript is ready. The transcript will also be sent to the court office and to the Crown attorneys' office.

When the Crown attorneys' office receives the transcript, they will set a date for the first court appearance and will notify you of that date by email or, if you do not have an email address, by registered letter.

Your first court appearance will be in "Assignment Court" where the judge will deal with a list of matters, including yours. The judge may consider your application for leave or your appeal at that time or may decide that the appeal should be scheduled to be heard on another date. The judge may also decide that you must file a "factum" (a legal brief) before the appeal is heard and, if so, will set a deadline for you to do so.

## **List of Crown attorneys' offices for service of the appeal:**

Brandon Crown Office, 204 - 1104 Princess Avenue

Dauphin Crown Office, 201 - 101 1<sup>st</sup> Avenue NW

Portage Crown Office, 229 - 25 Tupper Street N

The Pas Crown Office, 300 - 3<sup>rd</sup> Street E

Thompson Crown Office, 206 - 59 Elizabeth Drive

Winnipeg Crown Office, 510 - 405 Broadway

**Bylaw appeals are to be served at the municipal office that charged you with the offence.** In Winnipeg, the address for service is the City Clerk's Office, Main Floor, 510 Main Street.