

## **Guide for Appeals with respect to Summary Conviction Offences under the *Criminal Code***

If you were convicted of an offence under the *Criminal Code of Canada* which proceeded summarily, you may appeal the conviction or the sentence imposed, or both, by filing a [Notice of Appeal](#) in the Manitoba Court of King's Bench.

[Note: If you wish to appeal a conviction or sentence where the charge proceeded by indictment, your appeal would be to the Manitoba Court of Appeal and the procedure for those appeals is governed by the rules of the Court of Appeal.]

### **Can I represent myself in my summary conviction appeal?**

You have the right to go to court without a lawyer to represent you. You will be treated the same as a person who has a lawyer. That is, you will be expected to know the law and follow the court rules. It is recommended you seek legal advice for your situation.

### **How do I appeal?**

The procedure for appealing in the Court of King's Bench is as follows.

1. Complete the Notice of Appeal [[Form 8, Manitoba Court of King's Bench Rules \(Criminal\)](#)].
  - You will need to attach a copy of the Information and court disposition sheet. Copies are available from the Provincial Court office. Court services fees for photocopying are listed at <https://www.gov.mb.ca/justice/courts/fees.html>.
  - If you have applied for Legal Aid, attach documentation confirming that a Legal Aid application has been submitted.
  - You will need multiple copies of the Notice of Appeal package. The original must be filed in the Court of King's Bench. Another must be served on (delivered to) the Crown attorney(s)' office (see below). An additional copy must be presented to the Crown attorneys' office to be stamped to show proof of service. Keep one copy for yourself.
2. Order three copies of the transcript of the proceeding in the Provincial Court and a transcript of the reasons for decision of the Provincial Court judge who convicted and sentenced you: one each for the Appellant (you), the Respondent (Crown) and the Court of King's Bench. If you are appealing the sentence only, you only

need to order three copies of the transcript of the sentencing and the judge's reasons for sentence.

- Contact Royal Reporting, A Veritext Company; Unit 120–330 St. Mary Avenue, Winnipeg; (204) 306-9149, [transcription-mb@veritext.com](mailto:transcription-mb@veritext.com).
  - There is a fee for the transcript.
  - More information about transcripts and transcript fees is available at [manitobacourts.mb.ca/transcripts/](http://manitobacourts.mb.ca/transcripts/).
3. File the Notice of Appeal and proof of the transcript order within 30 days of the date of the disposition of your matter. (If you miss this deadline, see below.) You must file the Notice of Appeal in the Court of King's Bench offices listed below that is closest to where the offence occurred.
4. On the same day that you file your appeal, serve a copy of the Notice of Appeal to the Crown attorneys' office that is closest to the court office where you filed your Notice of Appeal. The locations are listed below.
- An employee of the Crown attorney's office will stamp a copy of your Notice of Appeal with an acknowledgment that it has been served. You must file that "proof of service" in the court office.
  - If the appeal involves a *Charter* argument, you must also serve the Public Prosecution Service of Canada and the Constitutional Law Branch of Manitoba Justice.

### **What Happens Next?**

You will be notified when the transcript is ready. A copy of the transcript will also be sent to the court office and to the Crown attorneys' office.

When the Crown attorneys' office receives the transcript, it will contact you by email (or if an email address has not been provided, by registered letter) to discuss next steps. The Crown attorney's office will discuss due dates with you by which you and the Crown attorney will file your factums (written legal briefs) with the court. If dates cannot be agreed on, you will be given a court date on which to appear so that a judge can provide direction.

Once the factums have been filed, the Crown attorneys' office will advise you of the date for the hearing of the appeal and will send you a form which must be signed and returned.

**What if I missed the deadline for filing a notice of appeal?**

If your time to file an appeal has expired and you meet the legal criteria to obtain an extension, you may file an application for an order extending the time to file the Notice of Appeal. You must attach proof that you have ordered a transcript of the reasons for the decisions made by the Provincial Court judge who convicted and sentenced you. You must also file an Affidavit explaining your reasons for the delay and why you believe there is merit to your appeal.

Copies of these documents must be served on the Crown attorneys' office, and you must file proof of service in the Court of King's Bench office. The forms may be obtained at the Court of King's Bench office. You will be given a date by the court office on which to appear in court for a judge to make a decision about whether to allow you the extension.

**King's Bench filing locations:**

Brandon, 100-1104 Princess Avenue

Dauphin, 114 River Avenue West

Portage la Prairie, 20 3rd Street South East

The Pas, 300 3rd Street East

Thompson, 59 Elizabeth Drive

Winnipeg, 408 York Avenue

**Crown attorneys' offices for service:**

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 Avenue

Public Prosecution Service of Canada, 515–234 Donald Street, Winnipeg

Constitutional Law Section of Manitoba Justice, 1205–405 Broadway Avenue,  
Winnipeg

**What if my summary conviction appeal is not for a *Criminal Code* case?**

If your conviction or sentence was for an offence under provincial legislation, your appeal falls under *The Provincial Offences Act* and you may refer to the [Guide for Provincial Offences Act Appeals](#) for more information.