

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* that proceeded summarily, you may appeal the conviction or the sentence imposed, or both, by filing a [Notice of Appeal](#) in the Manitoba Court of Queen'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 my summary conviction?

The procedure for appealing in the Court of Queen's Bench is as follows:

- Complete the Notice of Appeal and file it within 30 days of the date on which you were sentenced. (If you miss this deadline, see below.) You must file the Notice of Appeal in the Court of Queen's Bench office that is closest to where the offence occurred.
- Attach a copy of the information and court disposition sheet. Copies are available from the Provincial Court office.
- If you have applied for Legal Aid, attach documentation confirming that a Legal Aid application has been submitted.
- Attach proof that you have ordered a transcript of the hearing in the Provincial Court and a transcript of the reasons for decision of the Provincial Court judge who convicted and sentenced you. If you are appealing the sentence only, you need only order a transcript of the hearing and decision with respect to the sentence. There is a fee for the transcript.
- Deliver ("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. (See below for a list of locations.) A Crown attorney 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.

What Happens Next?

Transcription Services will notify you 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, 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. Assignment Court occurs one Friday a month. The judge will set timelines for filing a "factum" (a legal brief) before the appeal is heard and, once the factums have been filed, will set a date for the hearing of the appeal.

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

If your time to file an appeal has expired, you may file a Notice of Motion 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 decision made by the Provincial Court judge who convicted and sentenced you. You must also file an Affidavit explaining your reasons for the delay. Copies of these documents must be served on the Crown attorneys' office, and you must file proof of service in the Court of Queen's Bench office. The forms may be obtained at the Court of Queen's Bench office.

List of Crown attorneys' offices:

Brandon Crown Office, 204-1104 Princess Avenue

Dauphin Crown Office, 201-101 1st Avenue NW

Portage Crown Office, 229-25 Tupper Street N

The Pas Crown Office, 300-3rd Street E

Thompson Crown Office, 206-59 Elizabeth Drive

Winnipeg Crown Office, 510-405 Broadway

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

The court staff at the Court of Queen's Bench office that is closest to where the offence occurred can provide you with the appropriate court forms and information for your situation.