



COURT OF APPEAL

British Columbia Court of Appeal
Practice Directive (Criminal)
Title: Sentence Appeals

Issued: 6 September 2013

Effective: Immediately

Cite as: *Sentence Appeals* (Criminal Practice Directive, 6 September 2013)

1. This Practice Directive does not apply to appeals from Forfeiture, Dangerous or Long Term Offender orders or designations. Such appeals are subject to *Forfeiture, Dangerous and Long Term Offender Appeals* (Criminal Practice Directive 6 September 2013).
2. Two weeks before a sentence appeal is set to be heard, the appellant shall file in the Registry of the Court of Appeal six copies (and one electronic copy) of a document, entitled "Statement". The appellant shall deliver one copy of the Statement to the respondent. The Statement shall be headed in the Style of Cause and contain the following information in point form:
 - (a) The precise ground(s) of appeal to be relied on at the hearing of the appeal (e.g. sentence falling outside the range of sentences for similarly situated offenders and similar offences, illegal sentence, failure to give effect to one or more principles of sentencing with particulars of the principle(s) invoked, failure to consider a conditional sentence, etc.), together with relevant transcript references;
 - (b) The range and type of sentence which the appellant submits is appropriate for this offence(s) and this offender;
 - (c) The position taken by Crown counsel and defence counsel before the sentencing judge with respect to the appropriate sentence and the range of sentence.
3. At the time this Statement is filed, the appellant shall also file five copies of the authorities upon which he/she relies, together with any other written material counsel intends to rely upon at the hearing of the appeal. The appellant shall deliver one copy of this material to the respondent (the registry retains three copies).

4. One week before the sentence appeal is set to be heard, the respondent shall file six copies (and one electronic copy) of a document, entitled "Reply", and deliver one copy to the appellant. The Reply shall contain the following information in point form:
 - (a) The respondent's position with respect to the ground(s) of appeal and the fitness of the sentence;
 - (b) If the respondent's position is that the sentence imposed is unfit or illegal, then the range and type of sentence which the respondent submits is appropriate for this offence(s) and this offender.
5. At the time the Reply is filed, the respondent shall also file five copies of the authorities upon which he/she relies, together with any other written material counsel intends to rely upon at the hearing of the appeal. The respondent shall deliver one copy of this material to the appellant (the registry retains three copies).
6. The Statement and Reply should generally not exceed two pages in length.
7. If an appellant or respondent is acting in person, he or she is encouraged, but not required, to comply with this directive. If an appellant acting in person does not comply with the directive, the Crown is not required to file a Reply.
8. The Court may waive the necessity of compliance with this directive for good cause.



The Honourable Chief Justice Bauman
for the Court of Appeal of British Columbia

History:

Replaces *Sentence Appeals* (Criminal Practice Directive, 19 September 2011) which replaced the Criminal Practice Directive titled *Sentence Appeals*, dated 14 May 1999 and the Notice to the Profession titled *Sentence Appeals*, dated 27 May 1999.