



COURT OF APPEAL

British Columbia Court of Appeal
Practice Note (Criminal)
Title: Extradition Appeals

Issued: 13 May 2016

Effective: Immediately

Cite as: *Extradition Appeals* (Civil & Criminal Practice Note, May 13, 2016)

The Court has created a model order to reduce the number of appearances required in extradition proceedings. The model order allows bail pending an appeal from committal to continue without a further application in chambers, should the Minister of Justice order the person sought surrendered. Whether such an order will be granted is within the discretion of the judge hearing the application for bail pending an appeal from committal.

A handwritten signature in blue ink, appearing to read 'T. Outerbridge', with a long horizontal line extending to the right.

Timothy R. Outerbridge
Registrar of the Court of Appeal of British Columbia

History:

Replaces *Extradition Appeals* (Civil & Criminal Practice Note, March 21, 2014)

COURT OF APPEAL

ORDER

The Attorney General of Canada on behalf of the United States of America

Respondent

v.

XXXX

Appellant

BEFORE THE HONOURABLE

XXXX the XXXX day

XX JUSTICE XXXX

Of XXXX, XXXX

'IN CHAMBERS'

IT IS ORDERED that the Appellant, unless he is detained for some cause other than the within extradition proceedings, be released from custody pending the determination of his appeal from committal, upon the Appellant entering into a **recognizance with XX sureties**

in the sum of **\$XXXXX**

with the conditions that follow

before a Justice of the Peace at the Courthouse, 800 Smithe Street, Vancouver, British Columbia

without depositing any money or other valuable security

with a Justice of the Peace.

Let the Prisoner be brought, in custody to:

The Law Courts 800 Smithe Street Vancouver,
British Columbia for the purpose of entering into his
recognizance.

Court of Appeal File No. XXXX
Supreme Court File No. XXXX DOB:
XXXX

CONDITIONS OF RECOGNIZANCE

- a) The Appellant shall keep the peace and be of good behavior.
- b) The Appellant shall report, in person, to the Bail Supervisor, 275 East Cordova Street, Vancouver, British Columbia, forthwith upon his release and thereafter once per week as directed by the bail supervisor.
- c) The Appellant shall remain within the Province of British Columbia.
- d) The Appellant shall reside at XXXX and shall not change his address without the prior written permission of his Bail Supervisor.
- e) The Appellant shall surrender all travel documents including valid or expired passports and visas, if any, to the Registrar of this Court, and shall not apply for any new travel documents.
- f) The Appellant shall [insert optional conditions],
- g) The Appellant shall take all steps necessary to prosecute his appeal in a timely manner, including promptly ordering and paying for the appeal book.
- h) If the Minister of Justice orders the Appellant's surrender, then the Appellant and the Attorney General shall, within 45 days of the Minister's order, file with the Registry a filing schedule for the Appellant's appeal and / or any application brought by him for judicial review of the Minister's order. In the event that no agreement can be reached on a filing schedule, it shall be set by the Registrar.
- i) If the Appellant files an application for judicial review of the Minister's order, then the Appellant shall take all steps necessary to prosecute that application in a timely manner, including promptly ordering and paying for the appeal book.
- j) The Appellant shall surrender himself into custody at the Sheriff's Office, The Law Courts, 800 Smithe Street, Vancouver, British Columbia, at 9:00 A.M., on XXXX, xxxx, xxxx, or on the date set for the hearing of his committal appeal and / or judicial review application, whichever date first occurs.

IT IS FURTHER ORDERED that in the event the Appellant is discharged by the Minister of Justice pursuant to s. 48(1) of the *Extradition Act*, S.C. 1999, c. 18, any recognizance entered into to give effect to this Order shall cease to be binding on the Appellant and the sureties as of the date of that discharge.

Approved as to Form

Agent for the Attorney General of
Canada

