

Form 2  
**NOTICE OF APPEAL OR APPLICATION  
FOR LEAVE TO APPEAL**

(Where appellant not represented by a solicitor)

Lower Court Registry Number: .....

Lower Court Registry Location: .....

**COURT OF APPEAL**

To the Registrar:

Name of appellant .....

Place of trial .....

Name of court <sup>(1)</sup> .....

Name of judge.....

Was this a jury trial.....

Date of any sealing orders.....

Date of publication ban or anonymity order(s).....

Offence(s) of which convicted <sup>(2)</sup>.....

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Plea at trial .....

Sentence imposed.....

.....

.....

.....

Date of conviction .....

Date of imposition of sentence .....

Name and address of place at which appellant is in custody or if not in custody, appellant's address .....

If in custody, address other than institution .....

I, the above named appellant, hereby give you notice that I desire to appeal to the Court of Appeal against my <sup>(3)</sup> ..... on the grounds set out on page 3 of this notice.

I desire to present my case and argument whether it be for leave to appeal <sup>(4)</sup> or by way of appeal where leave is not necessary <sup>(5)</sup>,

(a) in writing <sup>(6)</sup> .

(b) in person.

If a new trial is ordered and you have a right to trial by jury do you wish trial by jury?  
.....

Dated this ..... day of ....., 20..... .

(Signed <sup>(7)</sup>) .....

Appellant

### NOTES

- 1 (a) If your appeal against conviction involves a question of law alone you have a right of appeal.
- (b) If your appeal against conviction is upon any other ground than a question of law, then you have no right of appeal unless leave to appeal is first granted. Your notice of appeal includes an application for leave to appeal where leave is necessary.
- (c) You have no right to appeal against sentence unless leave to appeal is first granted by the Court of Appeal or a justice. Your notice of appeal includes an application for leave to appeal.
- 2 Further take notice that if you appeal from sentence the Court of Appeal may increase your sentence.
- 3 (a) If your appeal is against conviction or sentence alone, or against both conviction and sentence, this notice must be filed within 30 days of the date of imposition of the sentence.

- (b) If this notice is filed beyond this time, then you must apply for an extension of time by completing Form 7.

## GROUNDS OF APPEAL

These must be filled in before notice is sent to the Registrar. The appellant must here set out the grounds or reasons he alleges why his conviction should be quashed or his sentence reduced. If one of the grounds set out is "misdirection" by the judge, particulars of the alleged misdirection must be set out in this notice.

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*(Use additional separate sheet if necessary)*

### Footnotes to Form 2

1. Provincial Court, Supreme Court
2. e.g. theft, forgery (*State here if appeal is under the Young Offenders Act.*)
3. If the appellant wishes to appeal against conviction, he must write the word "conviction". If he wishes to appeal against sentence, he must write the word "sentence". If he wishes to appeal against both conviction and sentence he must write the words "conviction and sentence". If an appellant convicted of more than one offence wishes to appeal against only some of the convictions or sentences, he must state clearly the convictions or sentences against which he wishes to appeal.
4. See Note 1 below form.
5. Stroke out (a) or (b).
6. If you desire to submit your case and argument in writing you may serve your written argument within 14 days after receipt by you of the report of the trial judge.
7. This notice must be signed by the appellant. If he cannot write he must affix his mark in the presence of witnesses. The name and address of each attesting witness must be given.