

COURT OF APPEAL FOR BRITISH COLUMBIA

Paper Filing

Criminal Checklist: Statements and Replies

Statements contain the written argument of the range and type of sentence for an appeal.

1.0 Statements and Replies

Title	Criminal Rule	Page Maximums
Appellant's Statement on Sentence	3(1) See Practice Directive	8 pages or 15 pages if appeal involves constitutional challenge
Respondent's Reply to Appellant's Statement on Sentence	See Practice Directive	8 pages

1.2 Appellant's Statement Content Requirements

All statements require the below parts.

Requirement	Instructions	Completed
Cover Page	Required (see statement templates)	<input type="checkbox"/>
Statement of Facts	Must consist of the appellant's position with respect to the appellant's statement of facts together with a concise statement of any other facts that appellant considers relevant. See statement templates	<input type="checkbox"/>
Grounds for Appeal	Enter the precise ground(s) of appeal to be relied on at the hearing of the appeal. Examples: sentence falling outside the range of sentences for similar 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. See statement templates	<input type="checkbox"/>
Range and Type of Sentence	Enter the range and type of sentence which the appellant submits is appropriate for the offence(s) and this offender. See statement templates	<input type="checkbox"/>
Position By Crown and Defence Counsel	Enter a concise statement of the position taken by Crown counsel and defence counsel before the sentencing judge with respect to the appropriate sentence and the range of sentence. See statement templates	<input type="checkbox"/>
Appendices: List of Authorities	Authorities (case law, legal textbooks, legislation etc.) referred to in the statement or reply must be listed in alphabetical order.	<input type="checkbox"/>

1.3 Respondent's Reply Content Requirements

Requirement	Instructions	Completed
Cover Page	Required (see statement templates)	<input type="checkbox"/>
Grounds for Appeal – Respondent's position	Must consist of the appellant's position with respect to the appellant's statement of facts together with a concise statement of any other facts that appellant considers relevant. See statement templates	<input type="checkbox"/>
Range and Type of Sentence	Enter the precise ground(s) of appeal to be relied on at the hearing of the appeal. Examples: sentence falling outside the range of sentences for similar 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. See statement templates	<input type="checkbox"/>
List of Authorities	Enter the range and type of sentence which the appellant submits is appropriate for the offence(s) and this offender. See statement templates	<input type="checkbox"/>

1.3 Document Format Requirements

These format requirements are pre-set in [statement templates](#).

Requirement	Instructions	Completed
True Copies	Must be an identical or true copy of the original document, whether that original is scanned from paper or saved into PDF from another program, such as Microsoft Word.	<input type="checkbox"/>
Font	Arial 12 (including citations) (<i>pre-set in template</i>)	<input type="checkbox"/>
Line Spacing	Lines spaced 1.5 lines apart (<i>pre-set in template</i>)	<input type="checkbox"/>
Footnotes	Footnotes are not explicitly subject to the above rules; however, a statement might be rejected if footnotes present a significant advantage (e.g., they take up half the page) or are in a font which make them difficult to read. Footnotes can be single spaced.	<input type="checkbox"/>
Authorities	How to cite authorities: Practice Directive	<input checked="" type="checkbox"/>

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Requirement	Instructions	Completed	
Excerpts of Authorities	Excerpts from an authority (case law, legal textbooks etc.) or a reproduction of an enactment (i.e., acts or regulations) indented and single spaced	<input type="checkbox"/>	
Margins	No less than 2.5 cm. (1 in) (<i>pre-set in template</i>)	<input type="checkbox"/>	
Page Numbering	Pages numbered consecutively starting on cover page (<i>pre-set in template</i>) <i>Page maximums do not include cover page or appendices.</i>	<input type="checkbox"/>	
Paragraph numbering	Paragraphs numbered consecutively starting at Part 1 Statement of Facts in statements (or after table of contents in replies) (<i>pre-set in template</i>)	<input type="checkbox"/>	
Cover and Back Page Colours	Type	Colour	<input type="checkbox"/>
	Appellant's Statement	Buff	
	Respondent's Reply	Green	
Binding Cerlox	Statements and replies may be printed single or double sided and cerlox bound.	<input type="checkbox"/>	

2.0 How to Use Word Templates

Content instructions with examples and document format requirements are pre-set in the statement and reply templates available [here](#).

Step	Action	Completed
Step 1: Saving Template	To retain pre-set document formatting "Save as" statement Word templates to your computer and enter content to your statement.	<input type="checkbox"/>
Step 2: File Name	Save as: case#_statement_party's role_name.pdf example: CA12435_statement_appellant_BC-Organization.docx CA12345_statement_respondent_Smith-John.docx	<input type="checkbox"/>
Step 3: Deleting Tables	Delete template instruction tables when your document is complete.	<input type="checkbox"/>
Step 4: Save As – PDF	When complete and final: "Save As" in portable document format (PDF).	<input type="checkbox"/>

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3.0 Copies for Filing and Service

3.1 Filing Paper Court Records

In criminal appeals, e-filing is optional for lawyers and encouraged for self-represented parties. Court staff will approve all paper copies by applying a filing stamp at the Registry.

Filing/Service	Requirements	Completed
Paper Copies	You will be required to file 1 copy for each judge and 1 copy for the court, 1 copy for your records, 1 copy to be serve on each party	<input type="checkbox"/>
Minimum Total	6 copies	
Electronic copy	The court requires an electronic statement with filing stamp submitted to the Registry (see instructions below)	

3.2 Submission of Electronic Statement or Reply

The below procedures must be followed when submitting electronic statements and replies for the Court.

Requirement	Instructions	Completed
Submitting Electronic Statements with Filing Stamp	A paper statement or reply with registry filing stamp must be: <ul style="list-style-type: none">scanned in PDF format and optical character recognized (OCR) to make the statement text searchable and to enable copying and pasting from the electronic statement or reply.*e-mailed to appealrecords@bccourts.ca with subject line example: CA12345 Smith v. Jones – appellant’s statement *Please note in body of e-mail: paper copies have been filed	<input type="checkbox"/>
Deadline	The Court requires the electronic statement no more than 1 week after filing the paper statements.	<input type="checkbox"/>
Statement = 1 electronic file	Statements must be saved as <u>one PDF electronic file/document</u> including cover page, any table of contents and appendices.	<input type="checkbox"/>

History:

Replaces previous Checklist

Last Updated: November 21, 2022