

PRACTICE DIRECTIVE

Sentence Appeals

1. Two weeks before a sentence appeal is set to be heard, the appellant shall file in the Registry of the Court of Appeal five copies of a document, entitled "Statement", headed in the Style of Cause and containing the following information in point form:

(a) The precise ground(s) of appeal to be relied on at the hearing of the appeal (eg. 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.

At the time this Statement is filed, the appellant shall also file and deliver the authorities upon which he/she relies, together with any other written material counsel intends to rely upon at the hearing of the appeal.

2. One week before the sentence appeal is set to be heard, the respondent shall file five copies of a document, entitled "Reply" and containing 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.

At the time the Reply is filed, the respondent shall also file and deliver the authorities upon which he/she relies, together with any other written material counsel intends to rely upon at the hearing of the appeal.

3. The Statement and Reply should generally not exceed two pages in length.

4. 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.

5. The Court may waive the necessity of compliance with this directive for good cause.

The Honourable Chief Justice Finch
On behalf of the Court of Appeal for British Columbia

Originally issued May 14, 1999