



COURT OF APPEAL

British Columbia Court of Appeal
Practice Directive (Criminal)
Title: Criminal Conviction/Acquittal Appeals Timeline

Issued: January 13, 2014

Effective: Immediately

Cite as: *Criminal Conviction/Acquittal Appeals Timeline (Criminal Practice Directive, 13 January 2014)*

1. Introduction and Purpose

The Court has been testing the effectiveness of new proposed time limits for filings in all criminal conviction and acquittal appeals by way of a Pilot Project, which ran from September 7, 2010 to December 31, 2013.

The aim of the Pilot Project was to reduce unnecessary delays and to ensure that appeals were heard in a timely manner.

During the Pilot Project, the Court has significantly reduced delay at every step in the preparation of the appeal, from the ordering and filing of transcripts to the scheduling of the appeal hearing.

The continued aim of the Court is to have all conviction and acquittal appeals heard within one year from the filing of the Notice of Appeal.

To continue the time periods until the Criminal Rules can be amended, the Court has agreed to incorporate the Pilot Project timelines into this revised Practice Directive.

2. Standard Deadlines

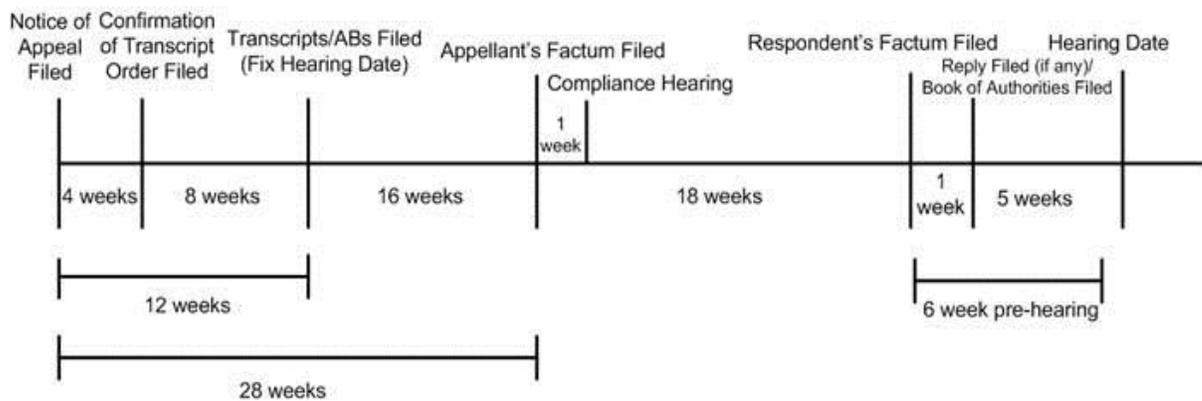
When an appeal subject to this Practice Directive is commenced by the filing of the Notice of Appeal, the registry will prepare and send a “Criminal Appeal Filing Schedule Advisory Letter” (Appendix A) to the parties or their counsel. This letter will set out the standard deadlines that will govern the case.

The specific dates for filing will be set out in each letter, as applicable to each individual appeal. The appellant and respondent will be required to meet those stated deadlines. The Registrar will be monitoring the filing dates and will contact counsel if a filing date is missed.

This letter will set out the standard deadlines that will govern the case. These deadlines are:

- a. File Confirmation that transcripts ordered 4 weeks after notice of appeal filed
- b. Transcripts due 8 weeks after the transcript order was confirmed
- c. Hearing Date fixed by Registrar, in consultation with counsel, once transcripts filed
- d. Appellant's Factum due 16 weeks after transcripts filed (28 weeks after Notice of Appeal filed)
- e. Compliance Hearing scheduled for 1 week after Appellant's Factum due (in event that the factum filing date is missed)
- f. Respondent's Factum due 18 weeks after Appellant's Factum filed (6 weeks before appeal scheduled to be heard)

Timeline for Criminal Conviction Appeal
 Notice of Appeal to Hearing Date = 1 year



3. Setting Hearing Dates

When the Transcripts and Appeal Books are filed (according to the schedule set out in the Criminal Appeal Filing Schedule Advisory Letter), the Registrar will contact counsel to arrange for an agreed hearing date which falls within one year of the date the Notice of Appeal was filed. Once a date is agreed upon, counsel will confirm the hearing by letter.

4. If Problems with the Schedule Arise

If at any time counsel foresee or encounter any difficulties in adhering to the dates set out in the Criminal Appeal Filing Schedule Advisory Letter, or with the proposed appeal hearing date, then they are to contact the registry immediately, and in advance of any applicable filing deadline, so that the matter can be addressed by the Registrar or set before a justice in chambers expeditiously.

5. Compliance Hearing Date

The Criminal Appeal Filing Schedule Advisory Letter will include a date for a “Compliance Hearing”, set for one week after the due date for the appellant’s factum. If the appellant misses the deadline for filing the appellant’s factum counsel will be notified by the registry that they are expected to appear on the “Compliance Hearing” date scheduled. At that hearing, counsel will be required to provide an agreed revised filing schedule and be prepared to tell the court the reason for the delay, what steps have been taken to overcome the delay and how they propose to meet the scheduled hearing date. New hearing dates will only be set in exceptional circumstances.

If the appellant’s factum is filed on time (before the Compliance Hearing date), then the registry will automatically cancel the Compliance Hearing and counsel need not attend.

6. Expedited Hearings – Agreed Filing Schedule

Notwithstanding the schedule outlined in this Practice Directive, counsel may agree to expedite an appeal. Counsel shall contact the Registrar with this request and may be asked to file a revised filing schedule.

7. Request for Case Management Judge

After receiving the Criminal Appeal Filing Schedule Advisory Letter, if the timeline appears to be unrealistic for a specific appeal, or if the timeline would work a hardship on a party, or for any other reason, counsel may contact the registry immediately to request a case management judge.

8. Case Management Assignment

If there is consistent delay which is not resolved through an appearance in chambers, or for any other reason, the Registrar may refer a matter to case management.

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

History:

Replaces the Practice Directive titled Pilot Project Regarding Criminal Conviction/Acquittal Appeals, dated 14 May 2010, March 28, 2012.
Revised January, 2014

APPENDIX A
Criminal Appeal Filing Schedule Advisory Letter

Date:

To: Appellant' Counsel

Re: R. v. A.B., CAxxxxx

Criminal Appeal Filing Schedule Advisory Letter

The event which triggered the filing schedule for the above-captioned appeal took place on (DATE). This letter is being sent pursuant to the Practice Directive dated January 13, 2014: "Pilot Project regarding Criminal Conviction/Acquittal Appeals"

Appellant's Counsel should abide by the following schedule:

Hearing Date of Appeal - this appeal should be heard before (DATE)

The Appellant's Factum shall be filed before (DATE)

If the Appellant's Factum is not filed before this date, there will be a Compliance Hearing in Chambers (DATE)

In accordance with the Practice Directive, these other time limits apply:

Appellant to file and serve written confirmation that Transcript has been ordered by (DATE)

Appellant to file and serve Transcript and Appeal Book by (DATE)

Once the Transcripts and Appeal Books are filed, you will be contacted by the Registry to set a hearing date. Counsel will confirm the hearing date by letter.

Deputy Registrar

cc. Respondent Counsel