

What Are My Filing Deadlines?

Parties to an appeal should not take the approach that they are automatically entitled to the maximum time permitted by the Rules of Court to complete each step of the appeal process. Deadlines prescribed in the rules are merely the default outside time limit at which point consequences for failure to act in time will be imposed. It is an underlying objective of the Rules of Court to try and ensure that all appeals are dealt with as diligently as possible. See *Fort McKay First Nation v. Alberta Energy Regulator*, 2013 ABCA 396.

Sentence Appeal Deadlines

| DOCUMENT | DEADLINE | CONSEQUENCE OF MISSING | RULE |
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| <p>Notice of Appeal A Notice of Appeal must be in Form CRA-A when the appellant is not represented by counsel and in Form CRA-B when the appellant is represented by counsel. See Rule 16.7(1)</p> | <p>Must be filed and served:</p> <ul style="list-style-type: none"> a) within the time for starting an appeal stated in an enactment, b) if the appellant is granted permission to appeal, 10 days after permission to appeal is granted, or c) if (a) and (b) do not apply, within one month after the date of decision. (See Rule 16.5 for the definition of “date of decision”) | <p>Appellant must bring an application to extend the time to appeal after the Notice of Appeal is filed.</p> | <p>16.7(2)</p> |
| <p>Transcripts & Appeal Record</p> | <p>Must be ordered or preparation commenced within 10 days after filing the Notice of Appeal and a copy of the order must be filed and served within 5 days after ordering.</p> <p>Must be filed and served forthwith after they are available and:</p> <ul style="list-style-type: none"> a) in the case of a sentence only appeal where the net sentence is 6 months or less, not later than 2 months after the date on which the notice of appeal was filed, b) in the case of a sentence only appeal where the net sentence is greater than 6 months, not later than 3 months after the | <p>If the appellant is self-represented and is in custody, the Registrar may refer to the appeal to a single appeal judge for directions, or</p> <p>In all other cases, the appeal will be struck.</p> | <p>Rule 16.12(1)</p> <p>16.12(3)(a)(b)(c)</p> <p>16.12(4)</p> |

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| | <p>date on which the notice of appeal was filed, and</p> <p>c) in the case of a conviction and sentence appeal, not later than 2 months after the date on which the conviction appeal was dismissed or abandoned.</p> | | |
| <p>Appellant’s Factum, Extracts of Key Evidence and Book of Authorities</p> | <p>Must be filed and served:</p> <p>a) in the case of a sentence only appeal before the earlier of 2 months after the filing of the Appeal Record and 4 months after the filing of the notice of appeal, and</p> <p>b) in the case of a conviction and sentence appeal, not later than 3 months after the conviction appeal was dismissed, struck or abandoned.</p> | <p>If the appellant is self-represented and is in custody, the Registrar may refer to the appeal to a single appeal judge for directions, or</p> <p>In all other cases, the appeal will be struck.</p> | <p>16.16(2)(b)(c) 16.16(3)</p> |
| <p>Respondent’s Factum, Extracts of Key Evidence and Book of Authorities (or letter of intention not to file a factum)</p> | <p>Must be filed and served before the earlier of:</p> <p>a) one month after service of the appellant’s factum, and</p> <p>b) 10 days prior to the opening day¹ of the sittings at which the appeal is to be heard.</p> | <p>... or the respondent will not be permitted to present oral argument unless the panel orders otherwise.</p> | <p>16.16(4)(b) 16.16(5)</p> |
| <p>Hearing</p> | <p>Subject to the direction of a case management officer, 20 days before the opening day of each scheduled sitting for sentence appeals the Registrar will set down at that sitting every sentence appeal where:</p> <p>a) the appeal record and appellant’s factum has been filed,</p> <p>b) the appeal record has been filed in a</p> | | <p>16.22(1)</p> |

¹ The opening day of sittings can be determined by consulting the Court’s Sitting Dates located on the Alberta Courts’ website at www.albertacourts.ca under Court of Appeal > Registry > Court Calendar

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| | <p>sentence appeal started by a self-represented appellant,</p> <p>c) the appeal record has not been ordered in a sentence appeal started by a self-represented appellant who is in custody, or</p> <p>d) the net sentence is 6 months or less, the appellant is in custody and judicial interim release has not been granted.</p> | | |