



## Filing Deadlines Sentence Appeal

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.

	Deadline	Consequence of Missing
<p><b>Notice of Appeal</b> (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<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>a) within the time for commencing an appeal stated in an enactment,</li> <li>b) within 10 days after permission to appeal is granted (if applicable*), or</li> <li>c) if (a) and (b) do not apply, <b>within one month after the date of decision.</b> (See Rule 16.5 for definition of “date of decision”)</li> </ul> <p><sup>1</sup>Rule 16.7(2)</p>	<p>Appellant must bring an application to extend the time to appeal after the Notice of Appeal is filed.</p>

\*See also Rule 16.4(3) for the time within which an application for permission to appeal must be brought and Rule 14.44 for rules specific to applications for permission to appeal.



	Deadline	Consequence of Missing
Ordering/Preparation of Transcripts & Appeal Record	<p>Must be ordered or preparation commenced within 10 days after filing the notice of appeal<sup>1</sup> <b>and</b></p> <hr/> <p>A copy of the order must be filed and served on the respondent within 5 days after ordering<sup>1</sup></p> <p><sup>1</sup>Rule 16.12(1)</p>	N/A
Transcripts and Appeal Record	<p>Must be filed and served forthwith after they are available and<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>a) in an appeal from sentence only 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,</li> <li>b) in an appeal from sentence only where the net sentence is greater than 6 months, not later than 3 months after the date on which the notice of appeal was filed, and</li> <li>c) for the sentencing part of any appeal as to both conviction and sentence, not later than 2 months after the date on which the conviction appeal was dismissed, struck or abandoned.</li> </ul> <p><sup>1</sup>Rule 16.12(3)(a)(b)(c)</p>	<p>If the appellant is self-represented and is in custody, the Registrar may refer the appeal to a single appeal judge for directions<sup>1</sup>.</p> <p>In all other cases, <b>the appeal will be struck.</b><sup>2</sup></p> <p><sup>1</sup>Rule 16.12(4)(a) <sup>2</sup>Rule 16.12(4)(b)</p>
Appellant's Factum and Extracts of Key Evidence	<p>Must be filed and served<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>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</li> </ul>	<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<sup>1</sup></p> <p>In all other cases, <b>the</b></p>



	Deadline	Consequence of Missing
	<p>b) for the sentencing part of any appeal as to both conviction and sentence</p> <p>i) where a sentence appeal record has been previously filed, not later than 2 months after the date the conviction appeal was dismissed, struck or abandoned, or</p> <p>ii) where a sentence appeal record has not been previously filed, not later than 3 months after the conviction appeal was dismissed, struck or abandoned.</p> <p><sup>1</sup>Rule 16.16(2)(b)(c) – Factum Rule 16.19(3) – Extracts</p>	<p><b>appeal will be struck.<sup>2</sup></b></p> <p><sup>1</sup>Rule 16.16(3)(a) <sup>2</sup>Rule 16.16(3)(b)</p>
<p><b>Respondent's Factum and Extracts of Key Evidence</b> (or letter of intention not to file a factum)</p>	<p>Must be filed and served <b>before the earlier of<sup>1</sup>:</b></p> <p>a) one month after service of the appellant's factum, and</p> <p>b) 10 days prior to the opening day of the sittings at which the appeal is to be heard<sup>2</sup>.</p> <p><sup>1</sup>Rule 16.16(4)(a) – Factum Rule 16.19(3) - Extracts</p>	<p>A respondent that does not file a factum <b>is not permitted to present oral argument unless the panel orders otherwise<sup>1</sup>.</b></p> <p><sup>1</sup>Rule 16.16(5)</p>

<sup>2</sup>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](http://www.albertacourts.ca) under Court of Appeal > Registry > Court Calendar.



	<b>Deadlines</b>	<b>Consequence of Missing</b>
<b>Hearing</b>	<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<sup>1</sup>:</p> <ul style="list-style-type: none"><li>a) the appeal record and appellant's factum has been filed,</li><li>b) the appeal record has been filed in a sentence appeal started by a self-represented appellant,</li><li>c) the appeal record has not been ordered in a sentence appeal started by a self-represented appellant who is in custody, or</li></ul> <p>the net sentence is 6 months or less, the appellant is in custody and judicial interim release has not been granted.</p> <p><sup>1</sup>Rule 16.22(1)</p>	N/A