



Notice Amendments to the Criminal Appeal Rules

December 22, 2020

Effective December 14, 2020, the following amendments were made to Part 16 of the *Alberta Rules of Court*, the Court of Appeal of Alberta Criminal Appeal Rules:

1. Repeal Form CRA-G (relating to judicial interim release pending appeal) and replace it with the attached Form CRA-G.
2. Repeal Rule 16.16(2)(c) and replace it as follows:
 - (c) for the sentencing part of any appeal as to both conviction and sentence,
 - (i) where a sentence Appeal Record has been previously filed, 2 months after the date the conviction appeal was dismissed, struck or abandoned, or
 - (ii) where a sentence Appeal Record has not been previously filed, 3 months after the conviction appeal was dismissed, struck or abandoned.
3. Replace the words “dismissed or abandoned” in Rule 16.12(3)(c) with “dismissed, struck or abandoned”.
4. Replace the words “Subject to subrule 16.4(2)” in R. 16.23(1) with “Subject to subrule 16.4(3)”.
5. Add the following Information note after R. 16.27:

Information note

This Rule does not prevent a party from arguing that a prior precedential decision has been overruled by a decision of the Supreme Court of Canada, or by a legislative change. It also does not prevent argument about the ratio decidendi of the prior decision, nor whether it can be distinguished on recognized grounds.

COURT OF APPEAL OF ALBERTA
Form CRA-G
[*Criminal Code* Form 11; Rule 16.25(4)]

Registrar's Stamp

COURT OF APPEAL FILE NUMBER:

TRIAL COURT FILE NUMBER:

REGISTRY OFFICE:

RESPONDENT: Her Majesty The Queen

APPLICANT/APPELLANT:

(appellant's name in full as it appears on information or indictment)

DOB: _____
(appellant's date of birth)

DOCUMENT: **RELEASE ORDER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT:

DATE ORDER PRONOUNCED: _____

LOCATION OF HEARING: _____, **Alberta**

NAME OF JUDGE WHO GRANTED THIS ORDER: _____
(Mr./Madam Justice First Initial(s), Surname)

UPON THE APPLICATION of the Appellant; AND UPON HAVING READ the Affidavit of the Appellant; AND UPON HEARING Counsel for the Appellant and Counsel for the Respondent;

AND IT APPEARING THAT the Appellant has filed a Notice of Appeal or Application for permission to appeal the applicant's conviction or sentence by (*name of Judge*), in (*level of court*) of Alberta, at (*location*), on (*date*), on the following charges, NAMELY:

(Summarize each charge the appellant is appealing as it appears in the information or indictment, and the exact sentences imposed.)

Offence Name	Section	Sentence

1. IT IS ORDERED THAT, upon the completion of Appendix A to this release order, the person having custody of the appellant shall immediately release the appellant if not otherwise detained.

Financial Obligations

(Select the appropriate paragraph 2 and delete the other one.)

2. There are no financial obligations under this release order.
2. In order for you to be released, the obligations that are indicated below must be complied with.
 - You promise to pay the amount of _____ if you fail to comply with a condition of this release order.
 - You must deposit money in the amount of _____ or other valuable security whose value does not exceed _____ with the Registrar of the court.
 - The surety _____ (name), born on _____ (date of birth), (promises to pay or deposits) to the court the amount of _____.

General Conditions

3. You must comply with these conditions:
 - a. report to Court in person, and surrender yourself into custody as and when required by this release order or the Court;

- b. attend personally and provide picture identification, at the opening of the next sittings of the Court of Appeal on (day of week) day, the (date), between the hours of 8:15 a.m. and 10:00 a.m., at the Court of Appeal Registry Counter, (on the main floor of the Law Courts Building/on the 26th floor of the TC Energy Tower), in the City of (Edmonton/Calgary), in the Province of Alberta, and at the opening of every sitting thereafter until such time as this appeal can be heard, subject to such further Order as a Judge of the Court may make.
- c. on the hearing date, attend the courtroom assigned for the hearing of the appeal between the hours of 9:45 a.m. and 10:00 a.m., or any other such time as directed, and surrender into the custody of any peace officer, pending the hearing of the appeal.
- d. pursue the appeal with due diligence, and in particular comply with any deadlines and directions in the Rules of Court, in this release order, or as made by the Court respecting the appeal.

Other Conditions

(Select appropriate conditions)

4. You must comply with the following conditions:

- a. You must report to _____ (*name or title*) at _____ (*place*) on _____ (*date or dates*) and thereafter report as and when directed.
- b. You must remain within the territorial jurisdiction of Alberta.
- c. You must notify _____ (*name, title and phone number*) of any change of any _____ (*address, employment or occupation*).
- d. You must not communicate, directly or indirectly, with _____ (*victims, witnesses or other persons*), except in accordance with the following conditions: _____
- e. You must not go to _____ (*place*) or enter _____ (*geographic area*), except in accordance with the following conditions: _____

- f. You must deposit all your passports with _____ (name or title) at _____ (place) before _____ (date).
- g. You must not possess a firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance and you must surrender any of them in your possession and any authorization, licence or registration certificate or other document enabling the acquisition or possession of a firearm to _____ (name or title) at _____ (place).
- h. You must comply with the following conditions (conditions for ensuring the safety and security of any victim of or witness to the alleged offence): _____
- i. You must comply with the following conditions: _____

Registrar, Court of Appeal

[Or if the judge has indicated that he or she will be signing the order (and not the Registrar), label this line as "Justice of Appeal" as follows:

Justice of Appeal]

**APPROVED AS BEING THE ORDER GRANTED:
(or CONSENTED TO BY:)**

APPENDIX A
TO THE RELEASE ORDER OF THE COURT OF APPEAL FOR ALBERTA

Variation

You or the Crown may apply to a single appeal judge to have any condition in this release order cancelled or changed.

Conditions in Effect

The conditions indicated on this release order (including any obligations imposed on your surety(ies)) remain in effect until they are cancelled or changed or until your appeal is decided.

Consequences for Non-Compliance

You are warned that, unless you have a lawful excuse, you commit an offence under section 145 of the *Criminal Code* if you fail to follow any of the conditions set out in this release order, including if you fail to attend court or fail to surrender into custody as required.

If you commit an offence under section 145 of the *Criminal Code*, a warrant for your arrest may be issued (sections 512 and 512.3 of the *Criminal Code*) and you may be liable to a fine or to imprisonment, or to both.

If you do not comply with this release order or are charged with committing an indictable offence after you have been released, this release order may be cancelled and, as a result, you may be detained in custody (subsection 524(4) of the *Criminal Code*).

If you do not comply with this release order, the money or other valuable security promised or deposited by you or your surety(ies) could be forfeited (subsection 771(2) of the *Criminal Code*).

Signatures (can be handwritten or electronic): see following pages

APPELLANT (this section must be completed)

By signing below, I am indicating that:

- I understand all of the financial obligations and conditions of this release order.
- I agree to comply with the financial obligations and conditions of this release order.
- I understand that I do not have to accept the financial obligations and conditions and that, if I do not accept them, I will be detained.

SIGNATURE OF APPELLANT:

_____ Date: _____
Signature of Appellant

_____ Place: _____
Name of Appellant (Print clearly)

Contact Information for the Appellant:

SIGNATURE OF WITNESS:

_____ Date: _____
Signature of Witness

_____ Place: _____
Name of Witness (Print clearly)

SURETY

(name, date of birth and address must match government-issued identification)

Name of surety:

Date of Birth:

Address:

Telephone:

Email:

By signing below, I am indicating that:

- I understand all of the financial obligations and conditions of this release order.
- I understand my role and my responsibilities under this release order, and I agree to act as a surety.
- I agree to promise or deposit to the court the amount of money described in the Financial Obligations section of this release order.

Surety declaration is attached (section 515.1 of the Criminal Code).

Surety is exempted from providing Surety Declaration (section 515.1(2) of the Criminal Code).

Signature of Surety

Date: _____

Name of Surety (Print clearly)

Place: _____

Signature of Witness

Date: _____

Name of Witness (Print clearly)

Place: _____

By checking this box, I, _____ (*name of witness*) confirm that I have verified the surety's identity and I have confirmed the surety's signature specifically by (explain how):

REGISTRAR (this section must be completed)

Check applicable box:

- This release order contains the signatures of the surety(ies) (if applicable), the appellant and the court (see signature below). It is complete.
- This release order contains the signatures of the surety(ies) (if applicable) and the court (see signature below). Upon the signature of the appellant, the release order will be complete.

Signed on the _____ day of _____, 20____,
at the City of _____, in the Province of Alberta.

Signature of Registrar, Court of Appeal

Distribution

If the appellant is out of custody, and the release order is completed at the Court of Appeal, copies of the order will be sent to the appellant's counsel and to the Crown.

If the appellant is in custody, and will be released from a correctional institution upon signing this release order (unless otherwise detained), please ensure the completed release order (i.e., the one with the appellant's signature) is sent back to the Court of Appeal as soon as possible via the following email address: Edmonton.Registry@albertacourts.ca (for Edmonton matters) or Calgary.Registry@albertacourts.ca (for Calgary matters). Upon receiving the completed release order, the Court of Appeal will provide copies to the appellant's counsel and to the Crown.