

EXPLANATORY NOTES

NOTICE OF APPEAL TO THE SUPERIOR COURT IN CRIMINAL AND PENAL MATTERS (SJ-1248A)

The form “Notice of Appeal to the Superior Court in Criminal and Penal Matters” allows you to file an appeal with the Superior Court within thirty (30) days of a judgment rendered at first instance.

TYPES OF FORMS

- Dynamic PDF:

After completing the form, you can print it on letter-size paper, i.e., 21.59 × 27.94 cm (8.5 × 11 inches).

- Paper:

If you complete the form by hand, please write legibly in block letters.

PROCEDURE

Once the form is completed, you should keep a copy for your files.

You will need to contact the criminal and penal clerk’s office at the courthouse to obtain information to complete the “Notice” section of the form.

FILING AT THE COURT OFFICE

You must then forward the notice of appeal, along with proof of service, to the criminal and penal clerk’s office at the courthouse. To do this, you may use the Digital Court Office of Québec (GNJQ), which is accessible via the website of the Ministère de la Justice.

Court costs are payable for the filing of the application in penal matters. For further information on [court costs](#) and contact information for all [courthouses](#) in the province of Québec, consult the website of the Ministère de la Justice.

NOTICE OF APPEAL TO THE SUPERIOR COURT IN CRIMINAL AND PENAL MATTERS

GENERAL INFORMATION

This form allows you to file a notice of appeal in criminal and penal matters with the Superior Court. The notice of appeal is made upon its filing with the court office within thirty (30) days of the judgment rendered at first instance.

The notice of appeal must be served to the parties and proof of service must be filed in the record before the date of presentation. Service must be made by any appropriate method that permits the person serving to establish proof of delivery, dispatch, transmission or publication of the pleading.

Service may be made by registered mail, courier or other carrier, technological means, peace officer, bailiff or public notice.

Regardless of the method of service used, an addressee who acknowledges receipt of the pleading is deemed to have been served with the pleading.

This form can be obtained from the criminal and penal clerk's office at the courthouse and the website of the Ministère de la Justice.

► How to fill out the form Notice of Appeal to the Superior Court in Criminal and Penal Matters.

- Provide all the information requested in every required section.
- The numbers of the explanatory notes refer to the corresponding sections of the form.

HEADER

- 1 Enter the name of the district, locality as well as the file number of the first instance court.

IDENTIFICATION OF THE PARTIES

- 2 Enter the given name, surname and address of every party, as shown in the proceedings already filed in the record of the first instance court.

CONTENT OF APPLICATION

- 3 In paragraph 1, enter the object (the purpose) of your application.
In paragraph 2, specify the factual and legal sentence for each charge or offence.
In paragraph 3, specify the grounds for appeal you consider relevant to submit to the court.
In paragraph 4, enter the name of the trial counsel for the appellant.

CONCLUSIONS

- 4 State the conclusions you are asking of the court.
Enter the place and date, and sign the application. Enter your given name and surname in the appropriate spaces and indicate in what capacity (as which party) you are signing.

NOTICE OF PRESENTATION

- 5 Enter the given name, surname and address of the party or parties to whom you are giving the notice. Enter the date on which the application is presented to the court as well as the time, room, name of courthouse and its address. Contact the clerk for this information. Enter the place and date, and sign the notice of presentation. Enter your given name and surname in the appropriate spaces.

BACK OF THE FORM

- 6 Enter the same information as in the header of the notice of appeal: your file number of the first instance court and the judicial district and the locality of the courthouse. Enter your name and address at the bottom of the reverse side of your notice of appeal.

1 CANADA
PROVINCE OF QUÉBEC
District: _____
Locality: _____
File Nos.: _____
S.C.: _____
C.Q or M.C.: _____

SUPERIOR COURT
Criminal and Penal Division

2

Appellant
v.

Respondent
and

Impleaded party

NOTICE OF APPEAL IN _____ MATTERS

THE APPELLANT SUBMITS THE FOLLOWING TO A JUDGE OF THIS COURT:

3 THE FACTS:

1. The appeal relates to the decision rendered on _____ by _____
(first instance court)

in district _____ in the case bearing file number _____
with respect to the following

- a) Count no. 1: _____

- b) Count no. 2: _____

- c) _____

2. On _____, the appellant was sentenced to:
(specify the sentence for each count)

- a) Count no. 1: _____

- b) Count no. 2: _____

- c) _____

GROUNDS FOR APPEAL:

3. In support of the application, the Appellant invokes the following grounds and grounds of appeal (e.g., an error of law in the application of the wrong legal test or the admissibility of evidence; error of fact in the analysis of evidence; an incident leading to a miscarriage of justice. Provide details):

 _____;

4. In the first instance court, the appellant was represented by M^e _____
 with offices located at _____;

THEREFORE, THE APPELLANT ASKS THE COURT TO:

ALLOW appeal of the conviction;
SET ASIDE the guilty verdict rendered by the first instance judge;

SUBSTITUTE a not guilty verdict for the rendered verdict;
 OR

ORDER a new trial;

AND/OR

ALLOW the appeal of the sentence;

IMPOSE the following sentence: _____;

ISSUE any order required in the interest of justice.

At _____, on _____

Appellant

Address: _____

Telephone number: _____

Email: _____

NOTICE OF PRESENTATION

To: _____

TAKE NOTICE that the application will be presented to the _____ on _____,
at _____ a.m./p.m., room _____ at the courthouse _____,
located at _____.

At _____, on _____

Appellant

6 S.C. No.:
C.Q. or M.C. No. :

SUPERIOR COURT
Criminal and Penal Division

District:
Locality:

Appellant

v.

Respondent

and

Impleaded party

**NOTICE OF APPEAL TO THE
SUPERIOR COURT IN
_____ MATTERS**

Appellant:

Address:

Phone: home
work

Email: