

## **HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR**

**ANNETTE M. BOUCHER**

**May 9, 2008**

**Supreme Court Crownside in Halifax will be held on the following dates: May 15, 22, 29 and June 5, 12, 19, 26, 2008.**

**Appearance Days will be held weekly on Fridays at 12 noon during the months of April, May and June, 2008. Please note that there will be NO Appearance Day held in June on June 6<sup>th</sup>, 2008.**

### **COURT OF APPEAL**

1. For counsel who are preparing Warrants to Convey for self represented Appellants who are in custody, please note that there has been a change to the Warrants to Convey for prisoners held in federal institutions. The new Warrant to Convey for prisoners held in federal institutions has been posted on the courts website.
2. The following is a list of practical reminders for counsel making an application to the Court of Appeal for release of the Appellant pending the hearing of their appeal.
  - A Notice of Appeal must be filed prior to or at the same time as the application for release.
  - The following material must be filed along with your Notice of Application for release: transcribed sentencing remarks of the lower court, the pre-sentence report submitted to the sentencing judge, if any, a supporting affidavit (s), a brief of law and a draft Order for release.
  - The application must be set down for Court of Appeal Chambers. Chambers is held every Thursday at 10:00 am on three (3) days clear notice. This means that all the documentation needs to be filed AND served on the Crown doing the appeal (Kenneth (Butch) Fiske for provincial matters) no later than 4:30 pm on the Friday preceding the scheduled hearing date for the application.
  - You must set the appeal down for hearing at the same time as you bring the application for release. The setting down application will NOT be heard if the Certificate Respecting Preparation of Appeal Book is not properly completed and filed three (3) clear days prior to the hearing.

- You need to speak to the Crown to determine whether any proposed sureties need to be available to give evidence at the application for release and to solicit the position of the Crown on the application.
- The Appellant will need to be brought to court for the hearing of the application for release. You are responsible to file the application for the Warrant to Convey and the draft Warrant to Convey. This material should be included in the package you file with the court no later than the Friday preceding the hearing at 4:30 pm. The forms that you must use for this application for the Warrant and the Warrant itself are located on the courts website. Please note that there are two different forms of Warrant one to be used when the Appellant is in custody in a provincial institution and the other when the Appellant is in custody in a federal institution.
- If bail is granted the Registrar (or Deputy) of the Court of Appeal will prepare the Recognizance and have it signed by the Appellant and the sureties who need to be available at the conclusion of the hearing for this purpose.

## **SUPREME COURT**

1. A Consolidated index by **topic** of all the issues of the Hints and Tips from December 2002 to December 2007 inclusive is attached to this issue. The index is posted on the courts website.

**A.M.B.**