

NOVA SCOTIA COURT OF APPEAL

How to complete the forms for a motion to convey a prisoner from a custodial institution to the Court of Appeal.

This guide provides information required to request that a Court of Appeal Chambers judge issue a Warrant to Convey to bring a prisoner before the Court of Appeal (either on a Chambers application or on an appeal hearing).

Reference is to be made to sections 527, 679, 684, and 688 of the ***Criminal Code of Canada*** to determine which sections are applicable on the motion being made. The motion and the proposed Warrant to Convey must reference the applicable sections of the ***Criminal Code*** pursuant to which the court has jurisdiction to make such an order.

Steps

Follow these steps to file your motion for a warrant to convey to bring a prisoner before either a judge or a panel of judges of the Court of Appeal.

1. Prepare the Motion for the Warrant to Convey which is the Affidavit setting out the following required information: who the deponent is, in which custodial institution the prisoner is housed, the date the motion or appeal was filed and the date and time it is returnable, why the prisoner needs to be present at the hearing, reference to the applicable section of the ***Criminal Code*** which allows the prisoner to be present at such a hearing and cite the applicable section of the ***Criminal Code*** which empowers the Court of Appeal Chambers judge to grant such a Warrant to Convey. A generic example of an Motion is attached hereto as Schedule "A".
2. Prepare the proposed Warrant to Convey. A complete address must be provided for the warden in charge of the institution. Complete addresses can be found on the web. A generic example of a Warrant to Convey is attached hereto as Schedule "B".
3. An appearance is **NOT** required to obtain the Warrant to Convey. The duly completed Motion and proposed Warrant are to be forwarded directly to the Registrar of the Court of Appeal. Fax copies are not acceptable.
4. The issued Warrant to Convey will be returned to the counsel (or other person) who submitted the motion to the court. It is the responsibility of the person preparing and obtaining the Warrant to Convey to remit the issued Warrant to the proper officials

at the institution where the prisoner is held and to the official who will be responsible for transporting the prisoner to the Court of Appeal (if not the same officials where the prisoner is housed). For clarity, in all cases a certified copy must be given by counsel to the custodial institution and to the Transportation Sheriff of Sheriff Services who is responsible for transportation at The Law Courts. It is the responsibility of counsel making the motion for the Warrant to insure that the time frames required by the custodial institution for the transportation of the prisoner are observed.

January 2014