APPELLANTS REPRESENTED BY COUNSEL
CRIMINAL APPEALS BEFORE THE NOVA SCOTIA COURT OF APPEAL

1. Read the attached Notice of Appeal (Where appellant is represented by a Solicitor) Form 91.05(A) carefully and retype the Notice of Appeal with your own information.

2. Civil Procedure Rule 91 applies to all criminal appeals before the Nova Scotia Court of Appeal - review the rule on the courts website at: www.courts.ns.ca

3. You must file an original and two (2) copies of your Notice of Appeal with the Registrar of the Court. The court filing fee is $218.05.

4. A Notice of Appeal must be filed with the Registrar of the Nova Scotia Court of Appeal within twenty-five (25) days of the date of the decision or order you wish to appeal. Remember time is calculated in accordance with Civil Procedure Rule 94. This means that you do not count the date the decision you wish to appeal was made, you do not count any Saturday or Sunday or holiday on which the Prothonotary's office is closed and you exclude the 25th day. By way of example: if the decision you wish to appeal was rendered on January 12th, the Notice of Appeal must be filed no later than February 17th.

5. As the Appellant you must serve one copy of the Notice of Appeal on each Respondent before the deadline set out at item 4 above has expired. This means that the Notice of Appeal must be served on each Respondent within the twenty-five (25) day period. You must provide proof of service of the Notice of Appeal on the Respondents to the Registrar by filing an Affidavit of Service on Form 31.05.

6. As the Appellant you must also send a copy of the Notice of Appeal to the judge from whose judgment the appeal is brought.

7. Your Notice of Appeal must set out grounds of appeal that are clear and concise of why your conviction should be quashed and/or why your sentence should be reduced. Grounds of appeal are limited to error or law or judicial error.

8. Once your Notice of Appeal has been filed you will receive a letter from the Registrar setting out the next steps you must follow to have the appeal set down for hearing.

9. As set out in the Registrar's letter, you must file a Certificate of Readiness Form 90.26 with the Court of Appeal before your motion to set the appeal down for hearing is heard. One of your major obligations, as required in the Certificate of Readiness, is to obtain an official transcript, prepared by a certified court reporter, at your expense, of the proceedings at the lower court which is the subject of your appeal.

For more information:
Registrar, Nova Scotia Court of Appeal
1815 Upper Water Street
Halifax, NS
Telephone: 902-424-8962
Fax: 902-424-0524

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