

**COURT OF APPEAL OF ALBERTA  
JUDICIAL INTERIM RELEASE (Bail) APPLICATIONS - CHECK/RETURN FORM**

**This checklist return form provides an itemized summary of the most common problems when filing documents in the Court of Appeal. However, this form does not include each requirement of the Alberta Rules of Court and Practice Directions. Accordingly, you should rely on the appropriate authority when preparing a document for filing in the Court of Appeal.**

- A. **Commencement Document Required (Rule 860(A)):**  
No application for release from custody pending the determination of an appeal shall be entertained unless the applicant has filed with the Registrar a notice of appeal or an application for leave to appeal.
  
- B. **No Judicial Interim Release on Summary Conviction Appeals unless Leave to Appeal Granted (Consolidated Practice Directions (CPD) Section F.9(d)):**  
There can be no judicial interim release before leave to appeal is granted on a Summary Conviction Appeals (see CPD Part F.9. for further details).
  
- C. **Appeal Books Must be Ordered (CPD Section E3):**  
The Court of Appeal will not grant a bail order where an appeal book is required unless an order for the appeal book has been placed, or counsel undertakes that an order will be placed forthwith.
  
- D. **General Format of Document:**  
Refer to the General Format - Check/Return form for formal requirements of all documents.
  
- E. **Copies Required:**  
The Registry will keep the original and 2 copies of the notice of motion and all supporting documents.
  
- F. **Notice of Motion:**  
Refer to the Notices of Motion - In Chambers (One Justice) - Check/Return Form for all requirements.
  
- G. **Affidavit (Rule 860B(2)A):**  
Refer to the Affidavit - Check/Return Form for affidavit requirements. In addition the affidavit must state the following information with respect to the applicant:
  - (i) his places of abode in the three years preceding his conviction, and where he proposes to reside if released,
  
  - (ii) his employment, if any, prior to conviction, and whether he expects to be employed if released,

- (iii) his criminal record, if any, including convictions outside Canada, and
- (iv) whether criminal charges are, at the time of the application, pending against him, either in Canada or elsewhere.
  
- H. **Memorandum/Brief:**  
A memorandum/brief in support or in opposition/response must be filed. See Memorandum/Brief - Check/Return Form.
  
- I. **Undertaking (Rule 860B(2)B):**  
An undertaking of the applicant must be filed and must indicate that the applicant will surrender himself into custody in accordance with the terms of any order granted (see Form 12 of the Criminal Code). The said undertaking may form a part of the affidavit.
  
- J. **Reasons for Judgment:**  
Reasons for judgment of the trial judge must be filed.
  
- K. **Order of Release:**  
Shall be prepared in the format described in Consolidated Practice Directions E3(d) to (j).

**NOTE: Rule 840(6.1):**

A conviction appeal is deemed to have been abandoned where the appellant's factum has not been filed within 4 months of the appeal book being readied. Where an appeal is deemed abandoned pursuant to this rule, and an order for judicial interim release is in effect, the applicant will be required to surrender themselves into custody.

Calgary Registry: (403) 297-2206  
Edmonton Registry: (780) 422-2416

Form Revised: August 12th, 2005

Access this form on the Alberta Court's website at  
<http://www.albertacourts.ab.ca/ca/publication/index.htm>