**COURT OF APPEAL FOR ONTARIO
Practice Direction**

***Schedule A
Appeal Management Form*Re Allegations of Incompetence of Trial Counsel In Criminal Cases**

**Name of Appellant:** NAME

**Court of Appeal File No.:** C

**Appellate Counsel:** NAME

tel: PHONE NUMBER

**Crown Counsel:** NAME

tel: PHONE NUMBER

**Trial Counsel:** NAME

1. Is the allegation of the incompetence of trial counsel the only ground of appeal?

 [ ]  No

 [ ]  Yes - attach a copy of the Notice of Appeal

Additional grounds are:

2. What is the nature of the allegation of incompetence? (e.g. conflict of interest, failure to interview/call witnesses etc.)

3. What is the evidentiary foundation for the allegation of incompetence?

 [ ]  transcript

 [ ]  affidavit from appellant

 [ ]  affidavit from trial counsel

 [ ]  affidavits from other witnesses (details)

 [ ]  other (specify)

4. Has notice of the allegation of incompetence been given to trial counsel?

 [ ]  Yes

 [ ]  No (explanation for failure to notify)

5. Has appeal counsel received trial counsel's file?

[ ]  Yes - date received: DATE

[ ]  No

6. Is trial counsel bringing an application to object to the transfer of the file?

 [ ]  No

 [ ]  Yes

7. Has Crown counsel been given access to trial counsel's file?

 [ ]  No

 [ ]  Yes - date received: DATE

8. Has the Appellant given a waiver of privilege in relation to trial counsel's file?

 [ ]  No

 [ ]  Yes - date received: DATE

9. If a waiver has been given, are there limitations on its scope?

 [ ]  No

 [ ]  Yes (specify)

10. Is a claim of solicitor-client privilege being made for any material in the file?

 [ ]  No

 [ ]  Yes

11. Has Crown counsel received an inventory of the materials over which privilege is claimed?

 [ ]  No

 [ ]  Yes - date received: DATE

12. Has Crown counsel received a written statement of the basis for any claim of privilege?

 [ ]  No

 [ ]  Yes - date received: DATE

13. Is Crown counsel bringing an application for directions as to how the validity of the claim of privilege may be challenged?

 [ ]  No

 [ ]  Yes - proposed date for application: DATE

14. What is the status of the Appellant's fresh evidence material?

15. Proposed dates for the filing of the Appellant's fresh evidence materials:

16. Has the Respondent been served with all of the Appellant's materials in support of the Allegation of incompetence of trial counsel?

 [ ]  Yes

 [ ]  No

17. If the Respondent has not received all of the Appellant's materials,

* list the materials which have been received:
*
* list the materials which are outstanding:
*
* proposed date for filing the Appellant's materials:
*

18. Is the Respondent intending to file material in response to the Appellant's material?

 [ ]  Yes

 [ ]  No

19. Proposed date for filing the Respondent's materials: DATE

20. Other issues to be discussed with the Case Management Judge:

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Counsel for the Appellant |  | Of Counsel for the Respondent |

Date: DATE

Please Fax The Completed Schedule to the Attention of the Criminal Appeals Coordinator to (416) 327-6256, or Scan and E-mail to: COA.Criminal.Scheduling@ontario.ca.