



**PRACTICE DIRECTION CONCERNING
REVISED COURT OF APPEAL RELEASE ORDER FORM FOR
USE ONLY DURING THE EXCEPTIONAL AND EVOLVING
CIRCUMSTANCES CONCERNING COVID-19**

**(“Practice Direction – New Court of Appeal
Release Order Form – COVID-19”)**

April 20, 2020

Given the exceptional and evolving circumstances concerning COVID-19, and subject to any further Practice Direction that may issue, “Practice Direction – New Court of Appeal Release Order Form – COVID-19” applies until further notice and should be read in conjunction with the *Criminal Appeal Rules*, SI/93-169, Practice Direction Concerning Criminal Appeals at the Court of Appeal for Ontario, and Practice Direction Concerning Applications for Bail Pending Appeal at the Court of Appeal for Ontario Given the Exceptional and Evolving Circumstances Concerning Covid-19, and all applicable federal statutes:

1. This practice direction applies to all bail-related matters, including bail pending appeal applications, applications to vary bails, applications to extend bails, and bail reviews.
2. The “all-in-one” release order has been revised to further streamline matters during the COVID-19 pandemic. With respect to sureties and out of custody appellants, the revised release order allows for counsel to verify their identities and confirm their signatures (whether this be done in person or by remote means, such as

Facetime, Skype, etc.). For in custody appellants, the revised release order allows for a witness at the institution in which the appellant is detained (need not be a member of the Law Society) to confirm the appellant's identity and signature. The newly revised order also allows for releases to be effected solely, and remotely, through the Court of Appeal. **There is no need to take Court of Appeal release orders to the Ontario Court of Justice for putting into effect.**

3. Counsel can obtain a sample electronic copy of this newly revised release order from the Crown.
4. Until further notice, commencing on April 20, 2020, this is the only release order that shall be used.
5. For all bail-related applications, whether contested or on consent, in accordance with prior practice, counsel are asked to submit a draft release order with the bail application. The draft order shall be submitted in the newly revised electronic format. The draft release order shall include the proposed conditions that have been agreed upon, should the court order release. Any additional conditions that are in dispute between the parties shall be identified as such and set out on a separate document.
6. If the court orders release, in its endorsement, the court will name the sureties (if any) and specify the financial obligations and conditions it requires in the release order. If any revisions are required, counsel are to revise the draft release order in accordance with the court's endorsement, and then submit it to the court for signing and entering in the records of the court.
7. Once the release order is signed and entered by the court, Court of Appeal staff will send the order back to counsel for the appellant, who are then to immediately facilitate the signing of Appendix A of the release order by the sureties (if any) and the appellant (if out of custody). These signatures must also be witnessed, remotely or in person, by a member of the Law Society of Ontario. The release order, with the signatures of the sureties (if any), the appellant (if out of custody) and the witnesses in Appendix A, must then be re-submitted to the court. If the court is satisfied, it will sign the order on the last page of Appendix A and indicate if the order is complete or if it still requires the appellant's signature.
8. If the appellant is out of custody (and therefore his or her signature is already on the release order), the release order will be complete and in effect upon the court signing it on the last page of Appendix A. Court of Appeal staff will email copies of the completed order to the appellant's counsel and to the Crown. The matter will then be concluded.
9. If the appellant is in custody, after the court signs the order on the last page of Appendix A, it will send the order to the institution in which the appellant is detained. The release order will be complete and in effect upon the signing of

Appendix A of the order by the appellant and witness at the institution (their signatures are required on the second-to-last page of Appendix A). The institution will send the completed order back to the court, and Court of Appeal staff will send copies to counsel for the appellant and the Crown upon receipt. The matter will then be concluded.

10. If interpreters are required for any of the individuals signing the release order, counsel are to make the necessary modifications to the draft release order to provide for this circumstance.



April 20, 2020

Chief Justice George R. Strathy

Date

Effective: April 20, 2020