

**CANADA
PROVINCE OF QUÉBEC
DISTRICT OF BEAUHARNOIS**

**COMMON MUNICIPAL COURT OF
THE CITY OF CHÂTEAUGUAY**

Statement no : _____

Applicant

c.

- City of Châteauguay**
 - City of Léry**
 - City of Beauharnois**
 - Municipality of Saint-Isidore**
- Respondent

APPLICATION FOR REVOCATION OF JUDGMENT

(Article 250 du Code de procédure pénale)

TO A JUDGE OF THIS COURT, THE APPLICANT STATES THE FOLLOWING:

1. I was convicted by default on _____ in the above file.
2. I acquired knowledge of this judgment on _____ as follows :

3. I ask that the consequences of my delay in presenting this application within 15 days after the date on which I acquired knowledge of the judgment be cancelled. I was unable to do so in time because (*if applicable*):

4. I was unable to appear in court to defend myself, for the following reasons:

5. I contest the merits of the judgment of conviction rendered against me because (indicate the facts pertaining to your defence):

FOR THESE REASONS, I ASK :

- to be relieved of the consequences of my delay in presenting the application for revocation of judgment (if applicable);
- that my application for revocation of judgment be allowed;
- to procede immediately with the trial or to have it adjourned to a later date.

Signed in Châteauguay, on _____

Applicant

FOR THE USE OF THE COURT, DO NOT COMPLETE THE FOLLOWING SECTION

SWORN STATEMENT OR SOLEMN DECLARATION

I, undersigned _____ born on : _____

Practicing the profession of _____ at _____

Residing at _____

Phone number (____) ____-____, E-mail _____

1. I am the applicant;
2. I attest that the facts given in the application are true.

AND I HAVE SIGNED :

In _____ On _____

Applicant

Sworn before me Solemnly affirmed before me

In Châteauguay, on _____

Person authorized to take oaths
or solemn affirmations

PRIOR NOTICE

To the prosecutor's attorney

TAKE NOTICE that this application for a stay of execution of the judgment will be presented at the Municipal Court of Châteauguay.

on _____ at _____ h _____ ou aussitôt que la demande pourra être entendue.

Applicant

I have acknowledged the date and time that my application will be presented to the court.

On _____

Applicant

The form annexed is for any person subject to trial who wishes to ask for a revocation of judgment, following a judgment by default for an infraction of the Quebec code of law. One can be declared guilty by default when one fails to follow up on the statement of offence in the given delay or when one fails to appear on their court date. The judge may annul the rendered judgment if the reasons that prevented the person to make their case to the court are serious.

1 Instructions to make a judgment revocation request:

1.1 To whom to direct the request: If you have been declared guilty by default and the reasons for not being able to make your case to the court are serious, you may request a judgment revocation by submitting your request form to the municipal court that have rendered the judgment notice.

1.2 The deadline for the request: This request must be submitted within 15 days of the date you received or taken knowledge of the judgment notice. If the deadline of 15 days has expired, you may make a request that you be relieved of the consequences of your delay by filling paragraph 3 of the form and by carefully explaining the reasons for inability to make the request in the delay prescribed.

1.3 Stay of execution: The objective of the stay of execution is to suspend the judgment that was rendered against you by default.

1.4 Outcome of the request: If the judge grants your revocation request, the judgement by default will be revoked. The judge may then apprise the prosecution or adjourn to an ulterior date.

1.5 Mandatory fees: Fees established by *Tariff of court costs in penal matters* are required to submit a revocation of judgment. The judge, who either grants or refuses the request for a revocation judgment can or not impose the fees. He can also order the fees be determined at the time of the judgment. The fees that you may be asked to pay for the refusal of your request of revocation of judgment are set by regulation. All fees are payable in cash, money order, certified cheque or by debit at the municipal court.

2. INSTRUCTIONS ON HOW TO FILL THE ENCLOSED FORM

2.1 The request: you must fill out the heading and then fill out the statement portion and then the consent to reappear at a later date of the request for a revocation of judgment.

2.2 The heading: At the «plaintive portion» you must indicate the number of your statement of offence as well as your first and last name.

2.3 The statement:

Paragraph 1: indicate the date of the rendered judgment declaring you guilty of an infraction.

Paragraph 2: indicate the date and the manner in which you took knowledge of the rendered judgment.

Paragraph 3: you must only fill out this paragraph if it has been more than 15 days since you took knowledge of the judgment against you.

Paragraph 4: you must explain why you were prevented to appear and plead your case.

Paragraph 5: you must convince the judge that yours reasons for opposing the judgment against you are serious. To do so, you must put in writing your defence.

2.4 The conclusions: You must indicate, at the section «for these reasons», the conclusions by checking the appropriate box or boxes, sign the request and indicate the date and the place where it will be submitted.

2.5 Affidavit: you must indicate your first and last name, the date, your date of birth and your address. You must sign the affidavit in the presence of a commissioner of oath, lawyer, notary, justice of the peace or an authorized person.

2.6 Notice of motion: you must obtain, from the municipal court clerk, the date and the hour your request will be heard and indicate the information on the notice of motion section.

2.7 The signing of the request: you must date and sign the notice of motion and have your revocation of judgment signed by the prosecutor and submit your request to the court office of the municipality that rendered the judgment at least five days before the date of its submission. Fees must be paid when the request is submitted to the court office.

2.8 You must be present at the indicated date for the hearing of your request. If you fail to be present, you will simply be taken off the court's list.

WE SUGGEST THAT YOU CONSULT A LAWYER

FOR ANY ADDITIONAL INFORMATION