



CALGARY CRIMINAL COURTS COURTROOM 308 – DISPOSITION COURT

Effective: February 1, 2021

Purpose:

While the court Pandemic Plan still remains in effect, the purpose of this Practice Note is to update what matters will be heard in courtroom 308 and how they are to be addressed.

This Practice Note applies to individuals who are represented by Defence counsel or Duty counsel and does not include self-represented individuals at this time.

Nothing in this Practice Note changes the requirement that anyone appearing before the Court pass initial health screenings and be in full compliance with all Alberta Health Services Orders or directions.

In order to be able to maintain social distancing within the courtrooms, counsel are asked to discourage the attendance of any individuals not directly involved in the proceedings before the court.

Procedures/Guidelines:

1. This disposition Court is available for counsel to schedule both in custody and out of custody guilty pleas with the accused person appearing either in person or remotely subject to the qualifications below.
2. This Court will have a morning session beginning at 9:30 a.m. and an afternoon session beginning at 2:00 p.m.

Pre-Court:

3. Defence/Duty counsel who have a matter that they wish to resolve will contact the assigned Crown prosecutor to discuss and agree upon the following:
 - a. in the case of a multi-count information or multiple informations, the charges to which guilty pleas will be expected;

- b. an agreed statement of facts that will be presented to the Court supporting the guilty plea(s) either orally or in writing;
- c. any supporting documents that will be referenced during the sentencing hearing. It will be the responsibility of Counsel relying on the document to ensure it is emailed to the Court in accordance with the practice set out below. Documents that are necessary for the presiding judge to review in advance of the scheduled court date (i.e. case law, etc.) should be sent directly to Judges' Chambers using the following link:

<https://www.albertacourts.ca/pc/areas-of-law/criminal/e-file-charter/e-file>

Material should be sent no later than 9:00 a.m. the day prior to the scheduled court appearance.

- 4. Defence counsel who will be appearing in Court remotely will be required to email the Court at pccourtdispo.calgary@just.gov.ab.ca no later than 8:00 a.m. the morning of the scheduled appearance.
 - a. The subject line of the email **must include** the Courtroom number and the date of the scheduled appearance (i.e. Courtroom 308, February 1, 2021).
 - b. The body of the email must include the names of the people for whom the lawyer will be appearing, the contact number where the lawyer can be reached and the name of the lawyer if that is not clear in the email address.
 - c. Should the accused person also be appearing remotely, Defence (or Duty Counsel) must provide contact information for the accused who will be appearing, including a telephone number, an email address (if available) and a current mailing address.
- 5. An accused person is only permitted to appear remotely if one of the following circumstances applies:
 - a. where a joint submission will be presented for the Court's consideration that does not involve a (further) period of incarceration;
 - b. if there is no joint submission, the Crown will not be seeking a (further) period of incarceration; or,
 - c. where guilty pleas will be entered, reports ordered and a future date fixed for a sentencing.
- 6. Once discussions outlined above have been completed and the matter is ready to proceed, Defence/Duty counsel will contact CMO and book the disposition into an allotted time slot on a date agreed upon with Crown counsel. If an accused is appearing remotely, Defence/Duty counsel are reminded to ensure that sufficient time is booked for the disposition given the additional requirements necessary to address remote appearances.

7. Dispositions will be scheduled on the basis of anticipated length (in minutes) within the following one-hour time slots:
 - a. 9:30 a.m. - 10:30 a.m.
 - b. 10:30 a.m. - 11:30 a.m.
 - c. 11:30 a.m. - 12:30 p.m.
 - d. 2:00 p.m. - 3:00 p.m.
 - e. 3:00 p.m. - 4:00 p.m.
8. The Alberta Crown Prosecution Service (ACPS), the Public Prosecution Service of Canada (PPSC) and the Duty Counsel office (where relevant) will make available a list of the names and telephone numbers of the respective prosecutor(s) and Duty Counsel who are assigned to this courtroom, 2 days in advance of the designated court sitting day.
9. Dockets will be faxed or scanned to email to the ACPS, PPSC and the Duty Counsel office by 12:00 p.m. the day prior to the scheduled court sitting at the following email addresses:
 - a. ACPS: JSG-ACPS.CalgECR@gov.ab.ca
 - b. PPSC: FedCrwnSchdCal@justice.gc.ca
 - c. Duty counsel: remotecgycourt@legalaids.ab.ca
10. Documents required for Court proceedings can be scanned/photographed and emailed directly to the clerk at:

pccourtdispo.calgary@just.gov.ab.ca

These documents must be received by 3:00 p.m. the day prior to the scheduled court appearance. The subject line must include the Courtroom number and the date of the scheduled appearance as above (i.e. Courtroom 308, February 1, 2021).

Court Proceedings:

11. Court will commence at 9:30 a.m. If Counsel and/or the accused are appearing remotely, the clerk will call Defence counsel and the accused at the telephone number(s) provided by Counsel.
12. All Counsel and accused persons must be ready to proceed with their matters at the beginning of the time slot chosen for their matters to be heard. Late attendance may well result in the matter having to be rescheduled.

13. If the accused is appearing remotely the following provisions apply:
- a. once the accused has joined the proceeding, the clerk will ask the accused to provide a full name and date of birth for the record;
 - b. Defence/Duty counsel will then fully canvass the provisions of section 606(1.1) of the *Criminal Code* with the accused on the record prior to proceeding with the guilty plea;
 - c. In the event the presiding Judge hearing the matter rejects the joint submission and determines that a fit sentence may include a period of incarceration, the hearing will be adjourned and the accused directed to appear in person before the Court on a fixed date and time;
 - d. Defence/Duty counsel must also provide contact information for the accused(s) who will be appearing, including a telephone number, an email address (if available) and a current mailing address.
14. Should matters arise during the court day that require counsel to communicate directly to the clerk in the courtroom, an email can be sent to:

pccourtdispo.calgary@just.gov.ab.ca

The subject line of the email must again include the Courtroom number and the date of the scheduled appearance of the matter (i.e. Courtroom 308 – February 1, 2021).

Post Court Proceedings (Remote appearance by the Accused):

15. Should the sentence imposed by the presiding Judge include a period of probation, the Judge will review the Order with the accused in accordance with section 732.1 of the *Criminal Code*. Until further notice the accused will be directed to contact probation by telephone. Once contact has been made with probation, a copy of the Order will be returned to the Court by Probation Services.
16. Should the sentence imposed by the presiding judge include a fine, the Judge will review the Order with the accused in compliance with section 734.2 of the *Criminal Code*.
17. Any additional ancillary Orders made by the Court will also be reviewed with the accused by the presiding Judge.
18. If the signature of the accused is required on any Order made by the Court, the sentencing Judge will direct the accused to attend at the Clerk's office on the 4th floor of the Calgary Courts Centre for that purpose within 2 business days of the Order being made.

19. All parties must be prepared to waive procedural irregularities that may arise as a result of the use of this protocol.

As per: Assistant Chief Judge Durant
Calgary Criminal and Regional Courts

Date: February 1, 2021