



CALGARY CRIMINAL COURTS COURTROOM 508

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 508 and how they are to be addressed.

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.

While in person attendance by counsel is permitted, remote appearance is strongly encouraged.

Only matters involving charges arising in the context of intimate partner and/or family relationships are to be heard in this courtroom.

Procedures/Guidelines

Pre-Court:

1. Court will begin at 9:00 a.m. and sit no later than 4:30 p.m. with a scheduled luncheon recess from 12:30 p.m. to 2:00 p.m.
2. The Alberta Crown Prosecution Service (ACPS) and the Duty Counsel office will make available a list of the names and telephone numbers of the respective prosecutor(s) and Duty Counsel who are assigned to this particular courtroom, one week in advance of the designated court sitting day.
3. Dockets will be faxed or scanned to email to the ACPS 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.Cal-DomesticViolenceUnit@gov.ab.ca

- b) Duty counsel: remotecgycourt@legalaids.ab.ca
4. Add-ons to the docket will be faxed or scanned to email to the ACPS and Duty counsel by 8:30 a.m. the day of the scheduled court sitting.
 5. Defence counsel who will be appearing remotely will be required to email the Court at PCCourt508.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 508, 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) Defence counsel are encouraged to include the Duty Counsel office with the email sent to the Court by copying the list to remotecgycourt@legalaids.ab.ca.
 6. All counsel are strongly encouraged to discuss matters in advance of the scheduled court day, particularly if the matter is in court for the purposes of a judicial interim release hearing or a scheduled disposition.
 7. For scheduled dispositions defence/duty counsel will contact the assigned Crown prosecutor, or if the file is unassigned the 508 backroom Crown, 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.
 8. 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.

9. The schedule for this courtroom will be as follows:
- a) 9:00 a.m. - 12:30 a.m.
 - Docket matters including Judicial interim release hearings and dispositions not exceeding 20 minutes in length
 - b) 2:00 p.m. - 2:30 p.m.
 - Priority given to Duty Counsel matters
 - c) 2:30 p.m. - 4:30 p.m.
 - Dispositions scheduled through the CMO on the basis of anticipated length (in minutes)
 - No more than 60 minutes can be booked for each matter
10. Documents required for Court proceedings can be scanned/photographed and emailed directly to the clerk at: PCCourt508.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 508, February 1, 2021).

Court Proceedings

11. 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:
- PCCourt508.Calgary@just.gov.ab.ca
12. 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 508 – February 1, 2021).
13. The clerk will begin calling defence counsel at 9:00 a.m. using the telephone number provided to the Court. Defence counsel are asked to be prepared to speak to all of their matters when contacted by the clerk.
14. For scheduled dispositions counsel and the accused 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.**
15. 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.

Post Court Proceedings (Remote appearance by the Accused)

- 16. 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.
- 17. 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*.
- 18. Any additional ancillary Orders made by the Court will also be reviewed with the accused by the presiding Judge.
- 19. 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.
- 20. 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