



## CALGARY REGIONAL CRIMINAL COURTS TSUUT'INA PROVINCIAL COURT

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**Effective: November 15, 2021**

### **Purpose:**

The Provincial Court of Alberta Pandemic Plan remains in effect. The Court continues to operate in a manner consistent with Public Health Orders and Guidelines to maintain public safety and reduce the risk of COVID-19 transmission. To achieve those goals while providing an essential public service, Courtroom 1800 (Tsuut'ina Provincial Court) will continue to operate as follows.

This Court will sit on the first and third Friday of each month as an in-custody docket and scheduled out-of-custody docket court only, for matters arising from the Tsuut'ina Nation.

### **Procedures/Guidelines:**

**This Courtroom is now Webex enabled and as such counsel and participants are able to appear either remotely through that platform or in person (subject to social distancing requirements).**

### **Pre-Court:**

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1. The Calgary and Rural Regional Response Office (CaRRRO), the Public Prosecution Service of Canada (PPSC) 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.
2. Dockets will be faxed or scanned to email to the CaRRRO, 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. CaRRRO: [JSG-ACPS.CaRRRO-Intake@gov.ab.ca](mailto:JSG-ACPS.CaRRRO-Intake@gov.ab.ca)
  - b. PPSC: [FedCrownSchdCal@justice.gc.ca](mailto:FedCrownSchdCal@justice.gc.ca)
  - c. Duty counsel: [remotecgycourt@legalaid.ab.ca](mailto:remotecgycourt@legalaid.ab.ca)
3. Add-ons to the docket will be faxed or scanned to email to the ACPS (CaRRRO), PPSC and Duty counsel by 8:30 a.m. the day of the scheduled court sitting.
4. Defence counsel who will be appearing remotely will be required to email the Court at:  
[Regional1800.Calgary@just.gov.ab.ca](mailto:Regional1800.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 1800, December 1, 2021).
  - b. The body of the email must include the name(s) of the individual(s) 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@legalaid.ab.ca](mailto:remotecgycourt@legalaid.ab.ca)
  - d. Should the accused person also be appearing remotely (for a disposition), 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 for a disposition 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. 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 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. Dispositions or Judicial interim release hearings anticipated to take more than 20 minutes

will be scheduled on the basis of anticipated length (in minutes) within the following one-hour time slots:

- a. 11:30 a.m.-12:30 p.m.
  - b. 12:30 p.m.-1:30 p.m.
  - c. 1:30 p.m.-2:00 p.m.
10. Documents required for Court proceedings can be scanned/photographed and emailed directly to the clerk at:

[Regional1800.calgary@just.gov.ab.ca](mailto:Regional1800.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 1800, February 1, 2021).

### **Court Proceedings:**

11. The designated courtroom clerk (clerk) will sign into the virtual courtroom using an email and confidential password prior to 9:30 a.m.
12. All counsel must be ready to proceed with their docket matters as of 9:30 a.m.
13. Once the clerk has made the appropriate connections to the virtual courtroom, counsel will be linked into the virtual courtroom according to the Webex protocol either by video/audio or by telephone in accordance with the Virtual Courtroom Protocol.
14. For scheduled dispositions and judicial interim release hearings, 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. At this time, Counsel must ensure that microphones/audio are muted to ensure optimal sound quality for all participants. Counsel will still be able to hear the proceedings and must ensure they are listening for their matter to be called. Once a matter is called, counsel can then unmute their microphone/audio and join the proceedings.
16. Should matters arise during the court day that require counsel to communicate directly to the clerk in the courtroom, counsel can communicate with the clerk by way of private instant messaging on Webex.
17. Documents required for Court proceedings can be scanned/photographed and emailed directly to the clerk at [Regional1800.Calgary@just.gov.ab.ca](mailto:Regional1800.Calgary@just.gov.ab.ca) no later than 8:00 a.m. the day of the scheduled appearance. Again, the subject line must include the Courtroom number

and the morning of the scheduled appearance as above (i.e. Courtroom 1800, December 1, 2021).

**18. This court will also serve as a Required Appearance Court should urgent matters arise that are not able to be scheduled into a time slot in the near future.**

**Post Court Proceedings:**

19. Should a 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. The accused will be directed to contact probation by telephone, or at the courthouse if in person service is available. Once contact has been made with probation, a copy of the Order will be returned to the Court by Probation Services.
20. Should a 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.
21. Any additional ancillary Orders made by the Court will also be reviewed with the accused by the presiding Judge.
22. If the signature of the accused is required on any Order made by the Court and the accused has appeared in Court remotely, the sentencing Judge will direct the accused to attend at the Clerk's office on the 6<sup>th</sup> floor of the Calgary Courts Centre for that purpose within two business days of the Order being made.

As per: Assistant Chief Judge Joshua B. Hawkes  
Calgary Criminal and Regional Courts

Date: November 12, 2021