



CALGARY REGIONAL COURTS (CRIMINAL) COURTROOM 1405

Effective: February 1, 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 1405 will continue to operate as follows.

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.

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:

Pre-Court:

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
 - b. PPSC: ppscabregional@ppsc-sppc.gc.ca; FedCrownSchdCal@justice.gc.ca
 - c. Duty counsel: remotecgycourt1405@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 regional1405.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 1405, December 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 remotecgycourt1405@legalaids.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 the Regional CMO and book the disposition into an allotted time slot on a date agreed upon with Crown counsel.
9. Only judicial interim release hearings that will take less than 30 minutes and dispositions that will take less than 20 minutes are to be scheduled into this Court. Hearings that will exceed those time estimates must be booked into courtroom 507 on Wednesdays.
10. Dispositions and judicial interim release hearings will be scheduled on the basis of anticipated length (in minutes) within the following one-hour time slots:
 - a. 12:30 p.m.-1:30 p.m.
 - b. 1:30 p.m.-2:30 p.m.
11. Documents required for Court proceedings can be scanned/photographed and emailed directly to the clerk at:

Regional1405.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 1405, February 1, 2021).

Court Proceedings:

12. Once the clerk has made the appropriate connections, counsel will be linked into the virtual courtroom either by video and audio or audio only in accordance with the Virtual Courtroom Protocol.
13. All counsel must be ready to proceed with their docket matters as of 9:00 a.m.
14. For 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. Should matters arise during the court day that require counsel to communicate directly to the clerk in the courtroom they can do so via instant messaging or an email can be sent to:

Regional1405.calgary@just.gov.ab.ca

16. 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 1405 – December 1, 2021).
- 17. 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:

18. 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. 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.
19. 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.
20. Any additional ancillary Orders made by the Court will also be reviewed with the accused by the presiding Judge.
21. 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 Regional Clerk's office on the 6th floor of the Calgary Courts Centre for that purpose within 2 business days of the Order being made.
22. 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 Joshua B. Hawkes
Calgary Criminal and Regional Courts

Date: November 12, 2021