



Alberta Court of Justice

Calgary Criminal Division Courtroom 305 – In Custody Docket

Effective: September 21, 2022

Courtroom 305 is a continuous service court starting at 9:00 a.m. All in custody Criminal Code first appearance and remand matters are addressed in this courtroom with the exception of guilty pleas and bail hearings except as described below.

Courtroom 305 will also deal with all Brought Forward matters relating to trial adjournments not assigned to a specific Justice.

Court Designated Sitting Times

These times are intended as a guide only and will change depending on the availability of counsel and the length of the docket. Duty Counsel matters are not called prior to 10:00 a.m. in order to give them time to consult with persons in custody.

- 9:00 - 10:00a.m. – Counsel Matters
- 10:00 - 10:30 a.m. – Duty Counsel Matters
- 10:30 - 11:30 a.m. – Counsel Matters
- 11:30 a.m. – Remaining Matters on List

Matters Dealt with in Courtroom 305

- In-custody accused on Criminal Code matters.
- Brought Forward Matters that are NOT assigned to a specific Justice.
- Non-scheduled Show Cause Hearings which will take less than fifteen minutes, and fall into the following guidelines:
 - a. Show Cause Hearings conducted by duty counsel or unrepresented accused;
 - b. Show Cause Hearings when counsel first appear on a matter;
 - c. Show Cause Hearings on special prosecution matters; and
 - d. All Section 469 offences at the docket appearance stage.

NOTE: Although guilty pleas are not encouraged in this courtroom, if the matter is very brief, guilty pleas (less than 10 minutes) may be entered at the discretion of the presiding Justice.

Remote Appearances in this courtroom are governed by the **Remote Appearances Practice Directive (PD 2022 R1)**. While that document and the associated **Alberta Conduct Guide for Remote Appearances** must be considered in their entirety, Section 2 of that Practice Note applies specifically to docket courts and is reproduced here for ease of reference:

Appearances in Docket Court

7. *These courts address procedural and scheduling matters. That may include brief bail hearings or dispositions as permitted in the Practice Directives relating to those courts. The Crown Prosecutor and Duty Counsel with primary responsibility for those courts will appear in person. Where illness or other exigent circumstances preclude a safe in person appearance by either of these parties, they will contact the Assistant Chief Justice for direction.*

Remote Attendance by all other Counsel in Docket Court

8. *As provided by Section 715.22, remote appearance is permitted in docket courts to serve the proper administration of justice by ensuring fair and efficient proceedings in those courts by:*
 - a. *Ensuring that all video appearances are conducted in strict compliance with the [Alberta Conduct Guide for Remote Appearances](#). A remote appearance is a court appearance and both counsel and the presiding Justice have responsibilities to ensure that the dignity and solemnity of that appearance are always maintained.*
 - b. *Remote appearances with the consent of both parties are permitted without prior application or leave for minor procedural matters such as adjournments to obtain instructions, an ECR position, trial, scheduled bail, or disposition dates, or to set dates as confirmed through CMO or to clarify matters for CMO such as the assignment of counsel or the imposition of a publication ban. Counsel may also appear remotely where charges are stayed or withdrawn by the Crown, and for the purposes of seeking related orders, such as forfeiture or return of seized property.*
 - c. *Where dispositions, consent releases on bail, or changes to bail conditions on consent are to be addressed in docket court leave of the presiding Justice for remote appearance must be obtained. These*

applications may be made at the time of the appearance, at a prior court appearance, or through the electronic process described below.

Remote Attendance by an Out-of-Custody Accused

9. *Considering the alternatives available to personal attendance in docket court for an accused person, it may be that these applications are less common. Remote appearances for accused persons represented by counsel are permitted without application for matters described in Paragraph 8(b). Where dispositions or consent variations on bail are to be addressed in docket court, leave of the presiding Justice or an application in advance is required.*

Technical Difficulties

10. *Should technical or other difficulties arise with the remote appearance by either counsel or an accused person the presiding Justice may terminate the remote appearance and make any other appropriate Order or direction necessary.*