



## CALGARY CRIMINAL COURTS CRIMINAL DIVISION

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**Effective: September 1st, 2021**

The Criminal Rules of Court (Rules) come into effect September 1, 2021. All matters that are set for trial or preliminary inquiry after September 1, 2021 will be required to be set in accordance with the Rules. While use of the new Forms on existing matters is permitted, it is not required on matters scheduled for trial or preliminary inquiry prior to September 1, 2021. Similarly, the time periods required for notice and scheduling of pre-trial and trial applications only apply to matters scheduled after September 1, 2021.

### **Procedure:**

1. All dates for trial or preliminary inquiry will be fixed through the Calgary Case Management Office (CMO).
2. All trials that are scheduled to last more than one day will require a Pre-Trial Conference (PTC) to be booked at the same time as the trial date is fixed at the Calgary CMO.
3. All trial matters involving allegations contrary to sections 151 or 271 of the *Criminal Code of Canada* will be required to have a PTC regardless of the estimated trial length. The date for the PTC will be booked at the same time the trial date is fixed at the Calgary CMO.
4. The Crown must file a PTC Form 14 days prior to the scheduled PTC. Defence counsel must file a corresponding PTC Form 7 days prior to the scheduled PTC. PTC forms can be filed electronically at [PC.CGY-CRIM@albertacourts.ca](mailto:PC.CGY-CRIM@albertacourts.ca).
5. Trial matters set for one day or less, with the exception of those matters involving offences pursuant to section 271 and 151 of the Criminal Code of Canada, will not require a PTC to be held.
6. PTCs will be booked at 15-minute intervals during the day. They may be conducted by teleconference or in person.
7. All preliminary inquiries regardless of estimated length will require a Pre-Preliminary Conference (PPC). The date for the PPC will be booked at the same time the preliminary inquiry date is fixed at the

Calgary CMO. Pre-Preliminary hearing forms can be filed electronically at [CrimJP.Calgary@just.gov.ab.ca](mailto:CrimJP.Calgary@just.gov.ab.ca).

- *While filing in hardcopy is permitted, filing in electronic format is strongly encouraged.*
- *Hard copies are to be filed at the Criminal Court Registry (4th Floor South)*

8. Forms 1, 2, and 3 all have corresponding checklists that must be completed and filed by counsel with the associated Forms.
9. Form 1 is used to initiate both pre-trial and trial applications. Multiple related pre-trial or trial applications on the same case can be initiated on a single Form 1. However, if the application(s) are of a different type (pre-trial application(s), or trial application(s)), a separate Form 1 is required for each type of application.

### **Pre-trial applications:**

1. Pre-trial applications are to be heard at least 60 days prior to the scheduled date for trial. A non-exhaustive list of examples of pre-trial applications can be found in Rule 2.5 (1).
2. A Form 1 and any supporting material must be filed and served thirty days before the date set for the pre-trial application. A Form 1 for a pre-trial application that does not comply with either of these time requirements will not be accepted for filing. Counsel will be directed to make an application to abridge either the date of the pre-trial application or the date of the filing and service of the form.
3. The Form 2 and any supporting material must be filed and served within fifteen days of the receipt of the Form 1. Filing of the Form can be filed electronically at [CrimJP.Calgary@just.gov.ab.ca](mailto:CrimJP.Calgary@just.gov.ab.ca).
  - *While filing in hardcopy is permitted, filing in electronic format is strongly encouraged.*
  - *Hard copies are to be filed at the Criminal Court Registry (4th Floor South)*
4. Service of the forms and any supporting material is to occur in accordance with Rule 3.
  - a. Service on the Alberta Crown Prosecution Service (ACPS) if an accused's lawyer or agent does not know whether a specific Crown Prosecutor has been assigned to a file can be filed electronically at [JSG-ACPS.CalgaryProsecutions@gov.ab.ca](mailto:JSG-ACPS.CalgaryProsecutions@gov.ab.ca) or by leaving a hard copy at the ACPS office located at 600 Centrium Place, 332-6<sup>th</sup> Avenue SW, Calgary, Alberta.
  - b. Service on the Public Prosecution Service of Canada (PPSC) if an accused's lawyer or agent does not know whether a specific Prosecutor has been assigned to a file can be filed electronically at [FedCrwnSchdCal@justice.gc.ca](mailto:FedCrwnSchdCal@justice.gc.ca) or by leaving a hard copy at the PPSC office located at 700 6<sup>th</sup> Avenue SW, Calgary, Alberta.
5. Consent pre-trial applications can be scheduled through CMO for Thursdays at 2 p.m. in courtroom 506.

6. Contested pre-trial applications that do not require an assigned trial Judge can be scheduled through CMO for Thursdays at 2 p.m., or the second, third or fourth Friday of the month in courtroom 506. Counsel should ensure that sufficient time to hear the application is set aside when the matter is booked.
7. Pre-trial applications that require an assigned trial Judge can be booked through CMO in coordination with the Judicial Scheduler.
8. Requests to abridge time for the filing of forms for pre-trial applications can be scheduled through CMO for Thursdays at 2 p.m., or the second, third or fourth Friday of the month in courtroom 506.

**Trial applications:**

1. Trial applications are to be heard on the same day the trial is scheduled unless the Court directs otherwise.
2. The Form 1 commencing the trial application and any supporting material must be filed and served 30 days in advance of the commencement of the trial. A Form 1 that does not comply with this time requirement will not be accepted for filing. Counsel will be directed to make an application to abridge the time requirements as described below.
3. The Form 2 and any supporting material must be filed and served within 15 days of the receipt of the Form 1. Filing of the Form can be filed electronically at [CrimJP.Calgary@just.gov.ab.ca](mailto:CrimJP.Calgary@just.gov.ab.ca).
  - *While filing in hardcopy is permitted, filing in electronic format is strongly encouraged.*
  - *Hard copies are to be filed at the Criminal Court Registry (4th Floor South)*
4. Service of the Forms and any supporting material is to occur in accordance with Rule 3.
  - a. Service on the Alberta Crown Prosecution Service (ACPS) if an accused's lawyer or agent does not know whether a specific Crown Prosecutor has been assigned to a file can be filed electronically at [JSG-ACPS.CalgaryProsecutions@gov.ab.ca](mailto:JSG-ACPS.CalgaryProsecutions@gov.ab.ca) or by leaving a hard copy at the ACPS office located at 600 Centrium Place, 332-6th Avenue SW, Calgary, Alberta.
  - b. Service on the Public Prosecution Service of Canada (PPSC) if an accused's lawyer or agent does not know whether a specific Prosecutor has been assigned to a file can be filed electronically at <mailto:FedCrwnSchdCal@justice.gc.ca> or by leaving a hard copy at the PPSC office located at 700 6th Avenue SW, Calgary, Alberta.
5. Requests to abridge time for the filing of Forms for trial applications can be scheduled through CMO for Thursdays at 2 p.m., or the second, third or fourth Friday of the month in courtroom 506.

As Per: Assistant Chief Judge Hawkes

Date: September 1, 2021