



CALGARY AND REGIONAL CRIMINAL COURT COURTROOM 507

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 507 will continue to operate as follows.

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:

1. Courtroom 507 will be utilized for a number of different proceedings.
2. Unless otherwise specified, this Court will have a morning session beginning at 9:30 a.m. and an afternoon session beginning at 2:00 p.m., and will sit no later than 4:30 p.m.
3. Matters in this courtroom will be scheduled as follows:
 - a) Monday and Thursday
 - a. In custody and out of custody dispositions scheduled through CMO into hourly slots during the morning session only
 - i. 9:30 a.m. - 10:30 a.m.
 - ii. 10:30 a.m. - 11:30 a.m.
 - iii. 11:30 a.m. - 12:30 p.m.
 - b. Commencing March 15, 2021 low complexity trials in the afternoon sessions.

- b) Tuesday - Justice of the Peace Court
 - a. Section 810 peace bonds; bail variations; process hearings; section 490 hearings scheduled through CMO into hourly slots
 - i. 9:30 a.m. - 10:30 a.m.
 - ii. 10:30 a.m. - 11:30 a.m.
 - iii. 11:30 a.m. - 12:30 p.m.
 - iv. 2:00 p.m. - 3:00 p.m.
 - v. 3:00 p.m. - 4:00 p.m.

- c) Wednesday - Regional judicial interim release hearing and disposition court (prosecuted by the Calgary Rural and Regional Response Office and the Public Prosecution Service of Canada (regional locations)):
 - a. Judicial interim release hearings anticipated to take 30 minutes or longer and both in and out of custody dispositions anticipated to take 20 minutes or longer will be scheduled through the Regional CMO in the following hourly time slots:
 - i. 9:30 a.m. - 10:30 a.m.
 - ii. 10:30 a.m. - 11:30 a.m.
 - iii. 11:30 a.m. - 12:30 a.m.
 - iv. 2:00 p.m. - 3:00 p.m.
 - v. 3:00 p.m. - 4:00 p.m.

- d) Friday - This courtroom will be available as a feeder court for trials as needed.

Pre-Court:

- 4. Documents required for Court proceedings, can be scanned/photographed and emailed directly to the clerk at:
pccourtsscheduled.calgary@just.gov.ab.ca
Regional0507.calgary@just.gov.ab.ca (*Wednesdays only*)

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 507, December 1, 2021).

- 5. Defence/Duty Counsel who will be appearing remotely will be required to email the Court at:
pccourtsscheduled.calgary@just.gov.ab.ca or
Regional0507.calgary@just.gov.ab.ca (*Wednesdays only*)
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 507, 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. Should the accused person also be appearing remotely, 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.
6. An accused person is only permitted to appear remotely 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.
7. For scheduled dispositions on Mondays, Wednesdays and Thursdays 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 relevant CMO and book the disposition into an allotted time slot as above on a date agreed upon with Crown counsel. If an accused is appearing remotely, Defence/Duty Counsel are reminded to ensure sufficient time is booked for the disposition given the additional requirements necessary to address remote appearances.

Court Proceedings:

9. 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.
10. All counsel must be ready to proceed with their docket matters as of 9:30 a.m.
11. 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.**
12. 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.
13. 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 listen for their matter to be called. Once a matter is called, counsel can then unmute their microphone/audio and join the proceedings.
14. Should matters arise during the court day that require counsel to communicate directly to the clerk in the courtroom, this can be done via Webex messaging or an email can be sent to:

pccourtsscheduled.calgary@just.gov.ab.ca
Regional0507.calgary@just.gov.ab.ca (*Wednesdays only*)

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 507 – December 1, 2021).

Post Court Proceedings (Remote appearance by the Accused):

15. 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.
16. 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*.
17. Any additional ancillary Orders made by the Court will also be reviewed with the accused by the presiding Judge.
18. 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 relevant Clerk's office on the 4th floor of the Calgary Courts Centre (Monday and Thursday) or the 6th floor of the Calgary Courts Centre (Wednesdays) for that purpose within 2 business days of the Order being made.
19. 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