

NOTICE TO THE PROFESSION AND PUBLIC

NEW PROTOCOL FOR EVIDENCE UNDER SECTION 276 OF THE CRIMINAL CODE

Effective November 3, 2025, the Court of King's Bench of Alberta will implement a new protocol to make it easier for counsel [and unrepresented accused persons] to book s.276 pre-trial applications and to have them heard in a timely manner, well in advance of trial.

This protocol applies only when the proposed application is restricted to evidence under s.276. If there are other types of applications for which case management is also sought at the same time, the usual request and booking processes should be followed.

When counsel [or an unrepresented accused person], or counsel for the Crown, seeks to bring a s.276/*Seaboyer* application, a request for case management must be sent to:

- Justice David Labrenz for all cases in Calgary and all other judicial centres south of Red Deer;
- Justice Shaina Leonard for all cases in Edmonton, Red Deer, and all other judicial centres north of Red Deer;

The request for Case Management must be accompanied by a Form KB276a that has been completed by the applicant, either Crown or Defence. The form is available on the Court's website, here:

[S. 276 Application - Screening Form](#)

Within 7 days of receipt of the KB276a the Respondent must submit a statement of its position in relation to whether the application should pass Stage 1, by Form KB276b. The form is available on the Court's website, here:

[S. 276 Application - Response Form](#)

The period of time to file a Form KB276b may be extended upon application at the discretion of the Court.

When the KB276a and KB276b have been received (or if a Form KB276b has not been received and more than 7 days have passed since the receipt of the KB276a), the application will be assigned to the Criminal Duty Judge sitting that week, in either Edmonton or Calgary, for the purpose of dealing with the Stage 1 screening. By default, the Stage 1 decision will be based upon the written materials; however, if either counsel seek an oral hearing they may request one, and a 1-hour time slot may be directed at the discretion of the assigned judge.

If the assigned judge determines that the threshold for Stage 1 has been met, then counsel [or the unrepresented accused person] will be authorized to contact the Criminal Court Coordinator to book a hearing date for the Stage 2 hearing. The Stage 2 hearing need not be conducted by the same judge who dealt with Stage 1. Where the Applicant is the Accused, the Complainant may appear at Stage 2 with or without counsel. Where the Applicant is the Crown, the Complainant may apply to the judge hearing the Stage 2 application for leave to appear with or without counsel.

By default, Stage 2 hearings will be in person if the application is made in Calgary or Edmonton and by Webex if the application is to be heard outside of Edmonton or Calgary. Counsel may apply to the Stage 2 judge if they seek another hearing mode.

A Criminal Duty judge will be available in Edmonton and Calgary (in alternating weeks) to hear these applications.