



## CALGARY CRIMINAL COURTS COURTROOM 505

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**Effective: February 1, 2021**

### **Purpose:**

While the court Pandemic Plan still remains in effect, the purpose of this Practice Note is to update what matters will be heard in courtroom 505 and how they are to be addressed.

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.

On Mondays, Wednesdays and Fridays this courtroom will address in and out of custody docket matters, judicial interim release hearings and dispositions prosecuted by the Public Prosecution Service of Canada. On Thursdays this courtroom will sit as the Drug Treatment Court. This Court will not sit on Tuesdays at this time.

### **Procedures/Guidelines:**

#### **Pre-Court:**

1. 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 a particular courtroom, one week in advance of the designated court sitting day.
2. 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.
3. Dockets will be faxed or scanned to email to the 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) PPSC: [FedCrwnSchdCal@justice.gc.ca](mailto:FedCrwnSchdCal@justice.gc.ca)
  - b) Duty counsel: [remotecgycourt505@legalaid.ab.ca](mailto:remotecgycourt505@legalaid.ab.ca)
4. Add-ons to the docket will be faxed or scanned to email to the PPSC and Duty counsel by 8:30 a.m. the day of the scheduled court sitting.
5. Defence counsel who will be appearing remotely will be required to email the Court at [PCCourt505.Calgary@csadm.just.gov.ab.ca](mailto:PCCourt505.Calgary@csadm.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 505, February 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 [remotecgycourt505@legalaid.ab.ca](mailto:remotecgycourt505@legalaid.ab.ca).
  - d) Should the accused person also be appearing remotely, defence counsel/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. Dispositions and judicial interim release hearings that are estimated to take more than 20 minutes will be scheduled on the basis of anticipated length (in minutes) within the following one-hour time slots:
  - a) 11:30 a.m. - 12:30 p.m.
  - b) 2:00 p.m. - 3:00 p.m.
  - c) 3:00 p.m. - 4:00 p.m.
  
8. 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.
  
9. Once discussions outlined above have been completed and the matter is ready to proceed, Defence/Duty counsel will contact CMO and book the disposition into an allotted time slot 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.
  
10. Documents required for Court proceedings can be scanned/photographed and emailed directly to the clerk at:

[PCCourt505.Calgary@csadm.just.gov.ab.ca](mailto:PCCourt505.Calgary@csadm.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 505, February 1, 2021).

### **Court Proceedings:**

11. The designated courtroom clerk (clerk) will sign into the virtual courtroom using an email and confidential password prior to 9:00 a.m.
12. Once a matter is ready to proceed, the clerk will invite Counsel into the virtual courtroom and contact the accused at the telephone number provided by Counsel.
13. All counsel must be ready to proceed with their matters either at 9:00 a.m. for docket matters or at the beginning of the hour time slot in which their matter is booked. Failure to be available may result in the matter having to be adjourned.
14. At this time, 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. It will be up to counsel to ensure they are listening for their matter to be called. Once a matter is called, counsel can then unmute their microphone/audio and join the proceedings.
15. Should matters arise during the court day that require counsel to communicate directly to the clerk in the courtroom, counsel can communicate with the clerk by way of private instant messaging on Webex or an email can be sent to [PCCourt505.Calgary@csadm.just.gov.ab.ca](mailto:PCCourt505.Calgary@csadm.just.gov.ab.ca)

### **Post Court Proceedings (Remote appearance by the Accused):**

16. 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. Until further notice the accused will be directed to contact probation by telephone. Once contact has been made with probation, a copy of the Order will be returned to the Court by Probation Services.
17. 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.
18. Any additional ancillary Orders made by the Court will also be reviewed with the accused by the presiding Judge.
19. 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 Clerk's office on the 4<sup>th</sup> floor of the Calgary Courts Centre for that purpose within 2 business days of the Order being made.

20. 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 Durant  
Calgary Criminal and Regional Courts

Date: February 1, 2021