



## CALGARY CRIMINAL COURTS COURTROOM 507

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**Effective: July 6, 2020**

### **Purpose:**

As the Provincial Court of Alberta begins to expand the services provided to Albertans and 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 507 and how they are to be addressed.

Nothing in this Practice Note changes the requirement that anyone appearing before the Court pass initial health screenings and be in full compliance with all Alberta Health Services Orders or directions.

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. Beginning July 6, 2020, courtroom 507 will be available 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:  
In custody and out of custody dispositions scheduled through CMO into hourly slots during the morning session only
    - a. 9:30 a.m.-10:30 a.m.
    - b. 10:30 a.m.-11:30 a.m.
    - c. 11:30 a.m.-12:30 p.m.

- b) Tuesday-Justice of the Peace Court:  
Section 810 peace bonds; bail variations; process hearings; section 490 hearings  
scheduled through CMO into hourly slots
  - a. 9:30 a.m.-10:30 a.m.
  - b. 10:30 a.m.-11:30 a.m.
  - c. 11:30 a.m.-12:30 p.m.
  - d. 2:00 p.m.-3:00 p.m.
  - e. 3:00 p.m.-4:00 p.m.
  
- c) Wednesday and Friday this court will be closed

**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](mailto:pccourtsscheduled.calgary@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 507, July 6, 2020).

- 5. Defence counsel/Duty counsel who will be appearing remotely will be required to email the Court at [pccourtsscheduled.calgary@just.gov.ab.ca](mailto:pccourtsscheduled.calgary@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 507, July 6, 2020).
  - 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 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. For scheduled dispositions on Mondays 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 will contact 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. Court will begin at 9:30 a.m. If Counsel and/or the accused are appearing remotely the clerk will call Defence/Duty counsel and the accused at the telephone number(s) provided by Counsel.
10. Counsel and the accused must be ready to proceed with their matters at the beginning of the time slot chosen. Late attendance may well result in the matter having to be rescheduled.
11. 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;

12. Should matters arise during the court day that require counsel to communicate directly to the clerk in the courtroom, an email can be sent to:

[pccourtsscheduled.calgary@just.gov.ab.ca](mailto:pccourtsscheduled.calgary@just.gov.ab.ca)

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 – July 6, 2020).

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

13. 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 sections 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.
14. 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.
15. Any additional ancillary Orders made by the Court will also be reviewed with the accused by the presiding Judge.
16. Following completion of the Court proceedings a copy of the Order will be sent electronically to counsel for the accused. Counsel will then provide the Order to the accused. Should an acknowledgement by the accused be required in the form of a signature, the accused will sign the Order and return it to the Clerk of the Court within 3 business days either through counsel or through one of the following methods:
- a) Email: [PCCrImJP.Calgary@csadm.just.gov.ab.ca](mailto:PCCrImJP.Calgary@csadm.just.gov.ab.ca)
  - b) Mail: PC Criminal, Calgary Courts Centre, 402 South, 601-5 Street SW, Calgary Ab, T2P 5P7
  - c) Fax: (403)297-3179
17. 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: July 6, 2020