

PROVINCIAL COURT OF ALBERTA
FAMILY & YOUTH COURT
CALGARY, ALBERTA

PRACTICE DIRECTIVE #10
YOUTH CRIMINAL PRE-TRIAL CONFERENCES

Section 625.1 of the *Criminal Code* provides the statutory authority for a Pre-Trial Conference (PTC). Pursuant to Section 625.1, the Court may order that a conference be held prior to the commencement of proceedings. The purpose of this Practice Directive is to create a PTC mechanism that permits the court to better determine whether a youth criminal trial will proceed as scheduled, whether there are any special issues that ought to be addressed ahead of the trial, and whether the time allocated for the trial is sufficient.

Effective June 6, 2022, this Practice Directive will apply to all youth criminal trials and preliminary inquiries that are booked for more than one (1) day in duration. Participation by both the Crown and Defence Counsel is mandatory.

This Practice Directive is subject to any pandemic directives issued by the Province of Alberta, the Office of the Chief Judge or the Assistant Chief Judge of Family & Youth, Calgary.

PROCEDURE:

1. A PTC will be scheduled by the assigned PTC Judge for each youth criminal trial booked and scheduled to be heard August 15, 2020 or later. The PTC will be booked through a Judicial Assistant.
2. **Form 1 - Notice of Pre-Trial Conference (PTC)**, attached to this Practice Directive, will be sent to all Crown and Defence Counsel by a Judicial Assistant.
3. When a PTC has been scheduled, Crown and Defence Counsel will fill out and complete **Form 2 - Pre-Trial Conference (PTC) Form**.
4. Once completed, **Form 2** is to be filed, either by fax at 403-297-3411 or by email at fychambers@albertacourts.ca, at least seven (7) days before the scheduled PTC, and must concurrently be copied to all counsel at the same time.
5. In order to ensure **Form 2** is received expeditiously, it should never be mailed.
6. Each PTC will generally be scheduled for 30 minutes starting at either 1:00 p.m. or 1:30 p.m. on a date scheduled by the PTC Judge.

7. Should either Crown or Defence Counsel have difficulty with the assigned date and/or time, they are to contact the Judicial Assistant who provided them with the Notice of Pre-Trial Conference and advise of alternate dates and/or times, with a copy to all other counsel. However, the PTC Judge will have the final decision as to scheduling if the date and/or time conflict cannot be resolved.
8. Each PTC will occur by phone unless the PTC Judge directs that Crown and Defence Counsel attend court, or if either Crown or Defence Counsel request the matter be heard in court.
9. The assigned Crown and Defence Counsel must attend the PTC unless excused in advance by the PTC Judge. In such a case, the alternate counsel must be fully informed and able to make decisions binding on the assigned counsel.
10. All counsel participating in the PTC are expected to know the file before the PTC in order to make efficient use of everyone's time, and in order to achieve the purpose set forth in this Practice Directive.
11. The youth shall not participate in the PTC.
12. The same assigned PTC Judge will hear any subsequent PTCs that may be directed on the file.
13. Upon completion of the PTC the PTC Judge will file **Form 3 - Pre-Trial Conference (PTC) Judge's Report** on the Court file. Form 3 will be provided to Crown and Defence Counsel and the assigned Trial Judge unless otherwise directed.
14. The PTC Judge will be disqualified from the criminal trial. However, if the Crown and Defence Counsel agree to settle the matter, the plea arrangement may be booked in front of the PTC Judge. The youth will be expected to attend court in person for sentencing.

**NOTICE OF PRE-TRIAL CONFERENCE (PTC)
(TO BE COMPLETED BY JUDICIAL ASSISTANT)**

FORM 1

PTC Judge: _____ PTC Date: _____ PTC Time: _____

Docket No(s): _____

Form 1 Filed:

Accused 1: _____ Defence 1: _____ Yes Not Yet

Accused 2: _____ Defence 2: _____ Yes Not Yet

Accused 3: _____ Defence 3: _____ Yes Not Yet

Crown Counsel: _____ Yes Not Yet

Trial Dates: _____

The following space is provided for the assigned PTC Judge or Court Administration to
make notes for the file or to indicate any special instruction for Counsel:

Booked by: _____ (Judicial Assistant) _____ (Date)

**PRE-TRIAL CONFERENCE (PTC) FORM
(TO BE COMPLETED BY COUNSEL)**

FORM 2

Please print and fax form to (403) 297-3411 OR email to fychambers@albertacourts.ca

Docket No(s): _____

PTC Date: _____

Accused 1: _____

Scheduled Trial Date(s): _____

Accused 2: _____

Counsel Filing: Crown Defence

Accused 3: _____

Phone Number: _____

Email: _____

CROWN: Provide outline and # of witnesses.

DEFENCE: Detail any concerns with the time allotted.

Please check all of the following that apply to assist the assigned PTC Judge.

- There are outstanding issues with disclosure
- There may be contentious evidentiary based issues during trial
- Crown admissions
- Crown is tendering statements as evidence
- Interpreter required:
 - For Young Person: _____
 - For parents: _____
- The accused is an Aboriginal, as contemplated by s 718.2(e) of the *Criminal Code*
- If convicted, the Defence intends to call / introduce *Gladue* evidence in the sentencing process
- Allotted time assumes admissions which are not yet in writing
- There will be child witness(es)
- Specialized Courtroom Requirement:

- Pre-trial motions
- Issues exist which might impede the matter commencing or completing as scheduled
- Section 146 YCJA Notice has or may be filed
- A *Charter* Notice has or may be filed
- Voir dires* are anticipated:
 - Nature of *voir dires*:
- Early case resolution has not yet been fully canvassed
- Application for Witness Video Attendance
- Support person and / or dog
- There will be expert witness(es)
- Adult Hearing Notice

I understand that a PTC may be deferred by the assigned PTC Judge. If the PTC is deferred, I agree to schedule a further PTC before the date set for commencement of the proceeding, unless provided other instructions by the assigned PTC Judge.

Date

Signature

**PRE-TRIAL CONFERENCE (PTC) JUDGE'S REPORT
(TO BE COMPLETED BY PTC JUDGE)**

FORM 3

PTC Judge: _____ PTC Date: _____ PTC Time: _____

Docket No(s): _____

Accused 1: _____ Defence 1: _____

Accused 2: _____ Defence 2: _____

Accused 3: _____ Defence 3: _____

Crown Counsel: _____ Trial Dates: _____

This form is intended to be a record of directions made by the assigned PTC Judge.
It is part of the file and will be provided to Counsel and the Trial Judge unless otherwise directed.

Direction Regarding this PTC:	
No Further PTC required	Next PTC date shall be scheduled prior to:
PTC will be deferred	_____

The following information is relied upon by the Trial Coordinator to confirm / validate trial bookings and courtroom requirements. Please check off the boxes which apply and provide further explanation in the notes.

POSSIBLE ISSUES / SPECIAL REQUIREMENTS (please provide details under NOTES):

- Interpreter is required:
 - For Young Person: _____
 - For parents: _____
- Child Witness Room is required
- Child Friendly Courtroom is required
- High Security Courtroom is required
- Specialized courtroom aids - technical, etc. (elaborate in notes)
- Expert Witnesses:
 - Crown
 - Defence
- Allotted Time
 - Keep allotted time
 - Increase time by _____
 - Decrease time by _____
- Any other issue(s) which might affect the matter starting or completing as scheduled (elaborate in notes)
- Resolution
 - YES - release trial dates
 - NO - keep trial dates

NOTES

**PRE-TRIAL CONFERENCE (PTC) JUDGE'S REPORT
(TO BE COMPLETED BY PTC JUDGE)**

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Judges Notes:

A copy of these notes

shall

shall not

be provided to the Trial Judge

Assigned PTC Judge's Signature

Date

CAUTION: Notes of settlement discussions should not be forwarded to the Trial Judge