

NP#2012-05
August 29, 2012



COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL DISTRICT OF EDMONTON

NOTICE TO THE PROFESSION

**CHANGES TO S. 525 DETENTION REVIEW AND S. 520 BAIL REVIEW HEARINGS
EDMONTON**

As a pilot project, effective October 1, 2012, the following changes will take place in Detention Review and Bail Review hearings in Edmonton:

S. 525

1. Up to 30 s. 525 detention reviews will take place each Wednesday between 9 and 10 am, commencing October 3, 2012. A review will be set for the first Wednesday that falls 10 days after a notice to set such a review is received from the Institution in which the accused is remanded.
2. Upon receipt by the Court of a notice from an Institution to set a detention review (para.1), a Notice providing the date for the detention review hearing in an individual case will be forwarded, together with a No-Contest and/or Waiver of Attendance Form (attached), to the Institution and the accused (care of the Institution), the Crown, and Defence Counsel, if known.
3. At the time of the Notice (para.2) an order directing the accused to be brought forward for the hearing will be made and executed unless, prior to the hearing, it is revoked because: detention is not contested; or, if contested, the accused specifically waives his attendance at the detention review hearing (para.6).
4. On the date of the scheduled detention review hearing, Counsel for the Crown and the Defence (if the latter is appointed), and the accused (subject to para.3), are expected to attend, although the matter may be adjourned in advance by notice to the Queen's Bench Criminal Office up until the Thursday prior to the hearing date by Counsel/the accused to a specific Wednesday not more than 2 weeks in the future by fax notice to the other side and the Queen's Bench Criminal Office (780-422-3458). Alternatively, the matter may be adjourned before the presiding Justice at the hearing, after which all further adjournment requests must be made in person.

5. Any material to be relied upon at the hearing (e.g. including transcripts (if any), etc.) must be filed with the Queen's Bench Criminal Office by noon on the Friday before the hearing. Late filing of any material will be allowed only on judicial fiat on consent from, or notice to, the other side.

6. A new procedure will be employed for notification of "no contest" as to detention, and/or waiver of the accused's attendance:

(a) if the accused wishes to not contest his/her continued detention, s/he or his/her Counsel must file with the Crown and the Criminal Office, a No-Contest and/or Waiver of Attendance Form (attached), duly completed, signed by the accused, by the Thursday before the hearing. The matter will then be marked as a "desk" application and will be reviewed by the assigned Justice (along with information provided for such a desk application by the Crown as to next step in the proceeding and other relevant information that continue to justify detention) and a decision will be made by an Order delivered to the Criminal Office, or recorded on the record on the date the matter was originally slated for hearing; and

(b) if the accused does not wish to attend the detention review hearing, s/he or his/her counsel must file with the Crown and the Criminal Office, a No-Contest and/or Waiver of Attendance Form (attached), duly completed, signed by the accused, by the Thursday before the hearing.

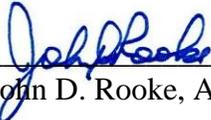
7. At the hearing, matters with Defence Counsel present will normally be heard first.

S. 520

8. Section 520 bail reviews will be conducted as present, with the following changes

(a) eight bail reviews will be booked, (not longer than 10 minutes each) using the current Bail Review Application form, accompanied by the transcript (if any) of the original bail application, and any other relevant documents (two clear days prior to the hearing). Late filing of any materials is subject to consent from, or notice to the other side and a judicial fiat; and

(b) the former practice of queue jumping by filing an application/motion and supporting affidavit(s) will no longer be utilized - rather, effective immediately, an addition to the bail review list for a given date may only be obtained by judicial fiat on the Bail Review Application form from the justice destined to hear the application or judicial supervisor, with the consent of both the Crown and Accused.



John D. Rooke, Associate Chief Justice

FILE NO. _____

IN THE COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE OF EDMONTON

BETWEEN:

HER MAJESTY THE QUEEN

CROWN

- and -

ACCUSED

CRIMINAL CODE, SECTION 525 - DETENTION REVIEW

NO-CONTEST AND/OR WAIVER OF ATTENDANCE FORM

I, _____ (the Accused) understand that I am entitled to have my continuing detention in custody reviewed by a Justice of the Court of Queen's Bench of Alberta. I also understand that I am entitled to be personally present when the Court conducts the review.

Regarding my rights:

1. I (do/do not) (*cross out and initial one*) seek to be released at this time.
2. I (wish/do not wish) (*cross out and initial one*) to be present at the hearing to review my continuing detention.

Witness:

Accused:

(Signature)

(Signature)

(Print Name)

(Print Name)