

January 5, 2007

## NOTICE TO THE PROFESSION

### Re: Criminal Appearance Court

Effective Friday, January 19, 2007, the Criminal Appearance Court [CAC] will commence in Calgary and will sit each Friday thereafter. For the first year, Justices A.G. Park and E.A. Hughes will share this assignment.

The Court's mandate and schedule will include the following:

- 9:30 - 10:00 Criminal arraignments and applications for adjournments including adjournments of long trials
- 10:00 - 10:30 Motions which can be dealt with expeditiously and scheduling of longer motions; for example - scheduling of a third party records application, unsealing of a warrant, etc.
- 10:30 - 12:30 Scheduling of guilty pleas and guilty pleas
- 1:45 - 2:00 Summary conviction appeal motions for persons not represented by counsel
- 2:00 - 2:45 Bail estreatments which cannot be accommodated on the regular bail estreatment list
- 2:45 - 4:30 Scheduled guilty pleas and motions

Counsel will only be required to gown for guilty pleas and applications with *viva voce* evidence.

In addition to the CAC, criminal arraignments will be held January 10 and February 14, 2007 at its regularly scheduled time as there are matters presently scheduled for these dates. After February 14, 2007 criminal arraignments will be held at 9:30 a.m. in the CAC only.

I wish to remind counsel they continue to have the ability to pre-book all criminal judge alone trials and judge and jury trials with the Criminal Trial Coordinator, Dave Monroe. However, if counsel have not pre-booked by Monday at 4:00 p.m. before the Friday CAC for which the matter is scheduled, counsel and his or her client will be obliged to appear.

All matters other than arraignments are to be scheduled into the CAC by way of a Notice of Motion that is filed and served on the Criminal Trial Coordinator and the appropriate respondent by fax or personally in the case of an unrepresented accused, no later than 4:00 p.m. the Tuesday before the scheduled Friday court. All motions should contain a time estimate. Before counsel file their motion, they should check with the Criminal Trial Coordinator to see if sufficient time is available for their matter to be heard.

Bail reviews including s.469 bail applications and 90 day review applications will continue to be heard in ordinary chambers each day at 9:00 a.m.. However, lengthy bail applications (30 minutes or longer) may appear in the criminal appearance court to be scheduled for a special hearing or, if time permits, be scheduled into the criminal appearance court.

Any matter which has been set down for trial before an assigned trial judge shall not be brought into the CAC within 30 days of the assigned trial date for a plea of guilty to any charge on the indictment without the consent of the Crown and defence.

Counsel should check with the Criminal Trial Coordinator, Dave Monroe, in order to determine whether a trial judge has been assigned.

Where an accused has appointed counsel to represent the accused and designation of counsel has been filed in the Provincial Court of Alberta it shall not be necessary for a further designation of counsel to be filed in the Court of Queen's Bench of Alberta. The original designation of counsel filed in the Provincial Court of Alberta shall be suitable for all appearances allowed by s. 650.01 of the *Criminal Code* in the Court of Queen's Bench of Alberta.

A.H.J. Wachowich  
Chief Justice

N.C. Wittmann  
Associate Chief Justice