



CRIMINAL RULES OF COURT PROCEDURE

FOR THE PROVINCIAL COURT OF ALBERTA – SOUTHERN REGION

Effective: September 1, 2021

Purpose:

The Criminal Rules of Court (Rules) come into effect September 1, 2021. All applications relating to criminal matters scheduled after September 1, 2021 will be required to comply with the Rules and this Practice Note.

Procedure:

1. Dates for trials or preliminary inquiries in Lethbridge or Medicine Hat will be fixed through the Case Management Office (CMO).

Dates for trials or preliminary inquiries in Cardston, Pincher Creek, Fort Macleod, Taber or Brooks will be fixed in the docket courts in which they arise

Any trials or preliminary inquiries of more than one day must be fixed through the Case Coordinator and after a pre-trial conference has been held. Pre-trial conferences are scheduled by a Judicial Assistant.

2. Forms 1, 2, and 3 all have corresponding checklists that must be completed and filed by counsel with the associated Forms.
3. Parties should file documents electronically at:
Lethbridge: pc.lethbridge@just.gov.ab.ca
Medicine Hat: criminaljp.medicinehat@csadm.just.gov.ab.ca.

If parties are unable to file documents electronically, they may file documents in hard copy at the appropriate courthouse, Provincial Court clerks counter.

4. Service of the Forms and any supporting material is to occur in accordance with Rule 3.

If the Prosecutor assigned to a file is not known, documents can be filed electronically or in hard copy at the appropriate central address below:

Alberta Crown Prosecution Service (ACPS)

Lethbridge: jsg-acps.Lethbridge@gov.ab.ca
1100, 400 – 4th Avenue South, Lethbridge, AB T1J 4E1
Medicine Hat: jsg-acps.medicine-hat@gov.ab.ca
556 – 4th Street SE, Medicine Hat, AB T1A 0K8

Federal Public Prosecution Service (FPPS)

Lethbridge and circuit points: Taber, Cardston, Fort Macleod, Pincher Creek
Medicine Hat and circuit point: Brooks
** include court location in the subject line of emails and on the cover of hard copies
PPSCCGYCharterDecisionsE-Filing@ppsc-sppc.gc.ca
#900, 700-6th Ave SW Calgary Alberta T2P 0T8

5. **Non-exhaustive lists have been created for ease of reference describing applications typically dealt with as formal versus informal.** Formal applications are the ones to which the Rules apply. The lists are found at the conclusion of this Practice Note.

If counsel are uncertain as to whether the Rules apply to their application they should speak first with opposing counsel to see if there is agreement as to the approach to be taken. If counsel require direction from the court, the matter may be addressed in docket court, the judge assigned to the case, or the Assistant Chief Judge (ACJ).

Anything complex and/or likely to be lengthy (the better part of an hour or more) will require formal filing pursuant to the Rules. The hearing of these applications will be scheduled by the Case Coordinator.

6. **It is expected that counsel will have paper copies of the relevant materials available at the hearing** so they can be filed as exhibits if directed by the court.
7. **As a rule, the clerks will not reject filings.** While it is not the clerks' responsibility to review documents filed for defects or noncompliance, if there is an obvious error on the material the clerk may bring it to the attention of the person filing it and request it be amended or refiled in proper form.

If a clerk accepts a filing but notes what they believe to be a defect or Rule noncompliance, they may bring it to the attention of the judge assigned to the case or the ACJ.

8. **If counsel seek to file a form and bring to the clerk's attention that they have missed the deadline for filing, the clerk will reject the filing** and counsel will be required to

make an application to the court for leave to file. This abridgment (extension of time) application may be made in docket court on proper notice to the other party(s) or in another court before the judge assigned to the case.

9. If a Self-Represented person (“SR”) wishes to make a formal application, they will be advised to comply with the Rules and that:

- The Rules are posted on the Alberta Courts website
- They may seek legal advice in the matter
- Duty Counsel may provide them with information and advice
- It may be helpful for them to contact the Prosecutors’ office

10. **If a SR seeks to file forms or other documents** in relation to an application, the clerks will accept this filing and obtain the SR’s contact information (address, email, phone number). If the material has not been served upon the other party(s), the SR will be advised that this is necessary and their responsibility.

If it is obvious that the filing is in noncompliance with the Rules, the clerk will forward the filed material to the attention of the judge assigned to the case or the ACJ.

11. **The Rules apply only to criminal court matters, not ticket matters** in Provincial Offences Procedure court. The exception arises when a Charter notice is filed and the matter is transferred to criminal court. The Charter notice may be filed in Provincial Offences Procedures Court in any acceptable form but once the matter is transferred to criminal court, the Charter notice and application must be filed in Form 1 in accordance with the Rules and the Rules must be complied with from thereon.

12. A Form 1 may reference multiple applications as long as they are similar in type and category as listed below.

Non-exhaustive list of applications and category:

Informal applications:

- to adjourn a matter
- for a lawyer to withdraw as counsel
- for a publication ban
- for witnesses to be excluded
- for a support person or a screen to be provided when a witness testifies
- for an abridgment or extension of time for filing
- for appointment of counsel to cross-examine a witness
- uncontested applications for video-link testimony

Formal applications, pre-trial:

- to sever counts or parties
- to appoint a lawyer or amicus
- to force removal of a lawyer due to conflict
- to compel production of first party disclosure
- to compel production of third-party disclosure (not including s. 278.3 Criminal Code records)
- a s. 11(b) Charter application to stay proceedings due to unreasonable delay
- to appoint a lawyer to cross-examine a witness pursuant to s. 486.3 of the Criminal Code
- for leave to permit testimony by electronic means, contested
- to cross-examine on an affidavit or information to obtain