

COURT OF QUEEN'S BENCH OF ALBERTA  
Q.B. CRIMINAL PRACTICE NOTE "1"

SETTING DOWN FOR TRIAL

EFFECTIVE DATE: April 1998

(Cancels Practice Note No. 1, April 30, 1979)

Procedure to be followed in criminal cases for the setting down of trials in the Court of Queen's Bench of Alberta.

1. Judge & Jury Elections:

- (a) Where an accused, upon his committal for trial by a provincial judge, elects to be tried by judge and jury, he shall, as required by law, appear, whether or not he is represented by counsel, at the first arraignment date of the court following the date of committal unless such date falls within the next 14 days, in which event he shall appear at the next succeeding arraignment date.
- (b) Upon his appearance, he shall be arraigned, and if he pleads not guilty, his case shall be adjourned for pretrial conference, jury selection, and also to a trial date all of which are set by the presiding judge. It will be determined on that date whether the accused waives his right to be present at the pretrial conference. If the accused does not waive that right, the matter will be first adjourned to the date set for a pretrial conference, otherwise the matter will be adjourned to the date set for jury selection.
- (c) Counsel will be permitted to tentatively book a date for jury selection and trial with the trial coordinator prior to the case being spoken to at arraignment; however, such an arrangement must be confirmed by the presiding judge at the arraignment of the accused.
- (d) An accused who has not yet been assigned a trial date may make a voluntary appearance for the purpose of entering a guilty plea, and such an appearance may be arranged before any judge at any available time by the trial coordinator, with the consent of the Crown.
- (e) This procedure will be followed whether or not an accused elects, at arraignment, to be tried by a judge alone.

2. Judge Alone Elections:

Where, upon being committed for trial by the Provincial Court, an accused elects to be tried by a judge alone, the time and place of the trial of the accused shall be fixed by a judge in compliance with s. 560(1) C.C.C. who may deal with the matter in accordance with these directions:

- (a) Counsel may book a trial date with the Trial Coordinator provided all accused are represented, all counsel are agreeable and the trial will not take more than 5 days. A judge will on reference by the Trial Coordinator, make an order under s. 560 C.C.C.
- (b) Where, on arraignment day, there is a matter before the court in respect of which no time and place for trial has yet been fixed, the presiding judge may fix a time and place for trial. If the accused is not present he shall be expected to ascertain the time and place fixed for his trial, pursuant to s. 560(4) C.C.C.

3. Re-elections:

When an accused has elected or is deemed to have elected to be tried by a court composed of a judge and jury, and gives notice of intention to re-elect to be tried by a judge without a jury, pursuant to s. 562 C.C.C., the time and place for re-election shall be the next arraignment day of the court.

4. Adjournments:

Where an adjournment is required, counsel will be expected to make an application for adjournment to a judge in Chambers as soon as the need for adjournment is discovered. The accused will appear at the next arraignment day for fixation of a new trial date or otherwise as the judge orders.

W. K. MOORE  
CHIEF JUSTICE