



Effective Date: 2012/12/01

Number: CPD - 1

Title:

Criminal Practice Direction

Criminal Pre-Trial Conference Process

Summary:

This Criminal Practice Direction describes the requirements for pre-trial conferences in criminal trials and extradition hearings. The process and procedures described in this Criminal Practice Direction were developed by the Sub-Committee of the Criminal Law Committee to improve the management of criminal proceedings and the efficiency and effectiveness of criminal trials. A pilot project began in four registries on March 1, 2010. With this *Criminal Practice Direction*, the features of the pilot project, with some revision, will apply indefinitely in the original registries and are being extended to all Supreme Court registries in British Columbia.

For more information about the Criminal Pre-Trial Conference Pilot Project, please see the [Criminal Pre-Trial Conference Pilot Project Evaluation Report](#).¹

Direction:

Application of this Practice Direction

1. This Criminal Practice Direction applies to all criminal trials and extradition hearings in all Supreme Court registries in British Columbia.

¹ Supreme Court of British Columbia, *Criminal Pre-Trial Conference Pilot Project Evaluation Report* (January 18, 2012), online: The Courts of British Columbia http://www.courts.gov.bc.ca/supreme_court/about_the_supreme_court/Criminal%20Pre-Trial%20Conference%20Pilot%20Project%20Evaluation%20Report%20-%20January%2018,%202012.pdf

Requirement for a Crown Synopsis

The Content and Purpose

2. For all criminal trials and all extradition proceedings, regardless of their estimated length, Crown counsel will prepare a *Crown Synopsis* in the form attached as [Appendix A](#) for criminal proceedings or [Appendix B](#) for extradition proceedings.
3. The *Crown Synopsis* does not constitute particulars of the indictment or the request, as the case may be. It is a case management tool to assist in the effective pre-trial management of a proceeding.

Delivery of the Synopsis

4. For all proceedings where a pre-trial conference is scheduled, the Crown must, at least one week prior to the scheduled pre-trial conference deliver the *Crown Synopsis*:
 - a. by electronic means to Supreme Court Scheduling in the relevant registry; and
 - b. by the usual and reasonable means of communication to:
 - i. defence counsel where an accused or person sought is represented; or
 - ii. the accused or person sought where he or she is self-represented; or
 - iii. the appropriate corrections facility where a self-represented accused or person sought is in custody.
5. For all other criminal trials or extradition proceedings, the Crown must deliver the *Crown Synopsis* as described in paragraph 4.a. and 4.b. at least 30 days before the date scheduled for hearing.

Pre-Trial Conferences

Long/Complex/Jury Trials

6. For the following matters, the Manager, Supreme Court Scheduling will, where possible, schedule a pre-trial conference before or shortly after the trial date is fixed and no later than 60 days before trial or hearing:
 - a. long (20 days or more) or complex trials, with or without a jury;
 - b. trials by way of direct indictment;
 - c. all remaining jury trials (i.e., shorter than 20 days);
 - d. judge alone trials of 10 days or more; and
 - e. extradition hearings.

Judge Alone Trials - 4-9 Days

7. For judge alone trials scheduled for between 4 and 9 days (inclusive), a pre-trial conference will in most cases be held 30 to 60 days before trial.

Judge Alone Trials - 1-3 Days

8. For judge alone trials scheduled for 3 days or shorter, no pre-trial conference will be scheduled unless:
 - a. the accused is self-represented;
 - b. the trial is by jury;
 - c. the Court directs that a pre-trial conference be held; or
 - d. either or both counsel request a pre-trial conference.
9. If a pre-trial conference is scheduled pursuant to paragraph 8, it will be scheduled as is reasonable in the circumstances.

Attendance at Pre-Trial Conferences

10. Pre-trial conferences will usually be scheduled before or after normal court hours (e.g. at 9:15 a.m. or 4:15 p.m.).
11. Counsel must attend in person, unless teleconferencing is approved in advance by the court. Except in unusual circumstances, approval to attend by telephone conference should be sought through Supreme Court Scheduling in the relevant registry.
12. Counsel attending pre-trial conferences must be informed and instructed with respect to matters in issue in the case, and must be able to identify and discuss those issues and any matters which may affect the orderly conduct of the trial or hearing.

Conduct of Pre-Trial Conferences

13. Where the trial or extradition judge has been assigned, he or she will usually conduct the pre-trial conferences for the case unless unavailable to do so.
14. If the assigned trial or extradition judge is not available, the Associate Chief Justice or his or her designate will conduct the pre-trial conference.
15. Where a trial or extradition judge is not yet assigned, a judge from a designated pool of judges will conduct the pre-trial conference.
16. Pre-trial conferences will be conducted with reference to the notice and other requirements set out in the existing [Criminal Rules of the Supreme Court of British Columbia](#), SI/97-140.

Early Assignment of Trial Judge

17. The Court will assign a trial judge as early as possible for all long (20 days or longer) and complex cases, whether jury or non-jury, and for all direct indictment trials.
18. For all other jury trials, the Court will, where possible, assign a trial judge at least 45 days before the trial date.

Transition

19. The requirements for a *Crown Synopsis* (see paras. 2-5) apply as of December 1, 2012.
20. The requirements for pre-trial conferences (see paras. 6-9) apply as of the dates set out in Schedule A for the Court's various registries.

Austin F. Cullen
Associate Chief Justice

Schedule A - Criminal Pre-Trial Conference Project Expansion Dates

Judicial District / Registry	Date
Prince Rupert	
<i>Prince Rupert</i>	January 1, 2013
<i>Smithers</i>	January 1, 2013
<i>Terrace</i>	January 1, 2013
Vancouver Island	
<i>Campbell River</i>	January 1, 2013
<i>Courtenay</i>	January 1, 2013
<i>Duncan</i>	January 1, 2013
<i>Nanaimo</i>	January 1, 2013
<i>Port Alberni</i>	January 1, 2013
<i>Powell River</i>	January 1, 2013
<i>Victoria</i>	January 1, 2013
Kootenay	
<i>Cranbrook</i>	February 1, 2013
<i>Golden</i>	February 1, 2013
<i>Nelson</i>	February 1, 2013
<i>Rosland</i>	February 1, 2013
Cariboo	
<i>Dawson Creek</i>	February 1, 2013
<i>Fort St. John</i>	February 1, 2013
<i>Prince George</i>	February 1, 2013
<i>Quesnel</i>	February 1, 2013
<i>Williams Lake</i>	February 1, 2013
Yale	
<i>Kelowna</i>	March 1, 2013
<i>Penticton</i>	March 1, 2013
<i>Revelstoke</i>	March 1, 2013
<i>Salmon Arm</i>	March 1, 2013
<i>Vernon</i>	March 1, 2013

Appendix A - Crown Synopsis for criminal proceedings

No. _____
_____ Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

Regina

And

[Accused]

SYNOPSIS OF CROWN CASE

(as of [date filed] and subject to variation)

[Please include the following categories of information, enlarging the form as necessary.]

1. Brief Chronology of Case:

Date of Alleged Offence(s)	
Date of Arrest	
Date Charging Document(s) Sworn (if different than Date of Arrest)	
Date Accused was Ordered to Stand Trial (if applicable)?	
Is there a <i>Jordan</i> issue on this file?	
Other Relevant Dates	

2. Overview of Crown's Case

[very brief summary of allegations; not a detailed narrative]

3. The Types of Evidence Crown Expects to Call

[e.g., eyewitnesses to the events, seizure of drugs from house; statements of accused to police; intercepted communications; etc.]

4. List of Issues Requiring a Ruling of the Court

[e.g., special procedures for child witnesses; similar fact evidence; known or likely Charter challenges]

5. Matters on Which Crown is Seeking Admissions

6. Tentative List of Witnesses

[briefly indicate topic for each, and provide time estimate for direct examination]

Date: _____

Crown Counsel

IMPORTANT NOTICE: The Crown Synopsis is a case management tool, to assist the court and counsel. It does not constitute particulars of the indictment.

Appendix B - Crown Synopsis for extradition proceedings

No. _____

_____ Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

The Attorney General of Canada, on behalf of (Extradition Partner)

And

[Person Sought]

CROWN SYNOPSIS FOR EXTRADITION PROCEEDINGS

(as of [date filed] and subject to variation)

[Please include the following six categories of information, enlarging the form as necessary]

1. Case Overview

[very brief summary of allegations; not a detailed narrative; the corresponding Canadian offences as set out in the Authority to Proceed – this could be a separate category as set out below]

2. The Corresponding Canadian Offences

[as set out in the Authority to Proceed – this does not need to be a separate category but could be included in the Case Overview above]

3. The Types of Evidence the Crown Expects to Call

[e.g., record of the case or treaty authenticated documents; Canadian-gathered evidence of a search or intercepted communications; testimony of the arresting officer; other viva voce testimony, etc.]

4. List of Issues Requiring a Ruling of the Court

[e.g., admissibility of the record of the case; admissibility of Canadian-gathered evidence; applications to stay the proceedings for abuse of process; known or likely Charter challenges]

5. Matters on Which Crown is Seeking Admissions

[e.g., identification of the person sought; business records under the Canada Evidence Act]

6. Tentative List of Witnesses

[briefly indicate topic for each, and provide time estimate for direct examination]

Date: _____

Counsel for the Attorney General of Canada

IMPORTANT NOTICE: *The Crown Synopsis is a case management tool to assist the court and counsel. It does not constitute particulars of the evidence in support of committal.*