



SUPREME COURT OF BRITISH COLUMBIA

Effective Date: 2024/03/04

Number: CPD - 1

Title:

Criminal Practice Direction

Criminal Pre-Trial Conference Process

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 all Supreme Court registries in British Columbia.

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.

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 the Crown will deliver the Crown synopsis within 30 days of the first appearance in this Court:

- 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 they are self-represented; or
 - iii. the appropriate corrections facility where a self-represented accused or person sought is in custody.

Pre-Trial Conferences

- 5. Pre-trial conferences will be scheduled for all criminal trials and extradition hearings.

Long or Complex Judge Alone Trials, or 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 the 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 - 1-9 Days

- 7. For judge alone trials that do not fall within paragraphs 6 or 8, that are scheduled for between 1 and 9 days (inclusive), a pre-trial conference will in most cases be held 30 to 60 days before trial, or as is reasonable in the circumstances.

Sexual Offences

- 8. For trials of sexual offences, a pre-trial conference will be held at least four months before the trial, regardless of the scheduled length of the trial.

Attendance at Pre-Trial Conferences

- 9. 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.).
- 10. Subject to the direction of the Court, counsel may attend a pre-trial conference in person, by Teams video, or, where Teams video is not practicable in the circumstances, by Teams audio.

11. An accused person who is required or wishes to attend a pre-trial conference may do so in person, or by such other means as the Court directs or permits.
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, they 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 their 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 Court's Criminal Rules, as amended from time to time.

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.
18. For all other jury trials, the Court will, where possible, assign a trial judge at least 45 days before the trial date.

Heather J. Holmes
Associate Chief Justice

Appendix A - Crown Synopsis for criminal proceedings

No. _____
_____ Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

Rex

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 (<i>if different than Date of Arrest</i>) | |
| 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.*