

# NOTICE

## PROVINCIAL COURT OF MANITOBA

### RE: Resolution Hearings/Focus Hearings

As you are aware, there have been changes in the Criminal Code dealing with preliminary inquiries. The relevant provisions are to be found in ss. 536(4), (4.1)536.3, 536.4(1) and (2), 536.5 of the Criminal Code. In response to the changes effective the week of February 28<sup>th</sup>, 2005, the Duty Judge of the Provincial Court will now be available to conduct Resolution Hearings\*, Focus Hearings\*\* and Pre-Trials\*\*\* each Friday beginning at 9:00 a.m. and throughout the day.

In addition, the Duty Judge will be available each Wednesday afternoon from 1:00 to 4:00 for the same purpose. These hearings are in addition to the other dates and times that are available to counsel, those being 9:00 a.m. and 1:00 p.m. from Monday to Friday. Our hope is that this increased availability will allow for more effective management of matters set for preliminary inquiry.

Please note the attached [Practice Directive](#) and [Form A](#) and [Form B](#). \*\*\*\*

The Provincial Court is committed to an effective pre-hearing review of matters in order to ensure the most efficient use of court time. Counsel are urged, and will be requested by the Court, to use these additional slots available throughout the day on Fridays, as well as Wednesday afternoons. As always, input from the Bar and your observations with respect to this initiative are greatly appreciated and would be most helpful to the Bench in assessing the effectiveness of this program.

#### ISSUED BY:

**“Original Signed By”**  
**Chief Judge Raymond E. Wyant**  
**(Manitoba)**

**DATE: February, 2005**

#### **Appendix**

**\*Resolution Conference** – resolution conferences in many ways mirror pretrial hearings. The rationale of the resolution conference is to address areas of potential agreement between counsel, ensure counsel are hearing ready in the area of disclosure, to identify the issues of law and evidence relevant to the hearing, and to explore possible resolution. The resolution conference will take

place with respect to matters proceeding to preliminary inquiry in the Provincial Court, where the matter is either scheduled for hearing for two or more days, or has been the subject of a s. 536.4(1) “focus hearing” application by either defence counsel/accused or the Crown.

The conference will be conducted by a Judge other than the Judge assigned to hear the preliminary inquiry. Following the completion of the conference, if either defence counsel or the Crown makes or renews application for a focus hearing, or the Judge conducting the resolution conference is of the view that a focus hearing is required, that application/assessment will go to the judge before whom the preliminary inquiry is to be held for a determination as to whether to order the focus hearing.

**\*\*Focus Hearing** – this hearing is pursuant to s. 536.4(1) of the Criminal Code, and will be ordered and conducted by the Judge before whom the preliminary inquiry is to be held, in the circumstances described above. Inter alia, the focus hearing judge will have the power to address such issues as limiting the scope of the preliminary inquiry, and allowing the admission of statements as opposed to the calling of witnesses.

**\*\*\*Pre-Trial Hearings** are those hearings conducted with respect to matters proceeding to trial in the Provincial Court, where either the trial is scheduled for two or more days, or where the a pre-trial hearing is ordered by the Court based on an application by the accused/defence counsel or the Crown.

**\*\*\*\*The forms are Adobe Acrobat** format and may be downloaded from this website and completed electronically. If Adobe Acrobat Reader is the program used to complete these forms, it will not be possible to save the completed form. If Adobe Acrobat is the program used to complete these forms, the completed form may be saved to the user’s computer.