

PRACTICE DIRECTION

COURT OF QUEEN'S BENCH OF MANITOBA (GENERAL DIVISION)

**RE: RESUMPTION OF JUDGE-ALONE OUT-OF-CUSTODY
CRIMINAL TRIALS**

As most recently referenced in the Court of Queen's Bench Practice Direction of December 18, 2020, all judge-alone in-custody criminal trials continue to proceed in person.

Commencing Monday, February 1, 2021, **all judge-alone out-of-custody criminal trials will also resume in person.** Accordingly, as of February 1, 2021, all judge-alone criminal trials for both in-custody and out-of-custody accused will proceed as scheduled and in person.

Previously announced health/safety protocols governing attendance at the Law Courts Complex as described in the March 13, 2020 Media Notice from the three levels of Court and in the May 4, 2020 Notice to the Profession will all continue to apply and should be consulted. These health/safety protocols contemplate that in-person trials take place in courtrooms that are large enough to permit social distancing and are otherwise properly equipped to permit trials to proceed safely.

Given the ongoing challenges presented by the COVID-19 pandemic, it may be that where justified, some portion of a trial will proceed by video conference. For example, because of a travel restriction or the need to self-isolate, it may be that one or more witnesses are unable to attend a trial in person. Similarly, it may be that once a trial has commenced, a participant is unexpectedly unable to attend the trial in person. In such situations, it is within the discretion of the trial judge to employ video conference equipment (where available) to continue with the trial by having one or more participants appear remotely by video conference.

In advance of any scheduled trial, so as to ensure a focused and efficient approach to the presentation of evidence and to address any anticipated

complications regarding the in-person attendance of witnesses at trial, counsel should consider communicating with the pre-trial and/or trial judge about these issues. In addition, counsel are encouraged to communicate in a timely fashion with the Manager, Court Clerk Monitors (Alnie LeBlanc, 204-945-6058), to discuss specific courtroom requirements.

To further reduce the need for other in-person attendance at the Winnipeg Law Courts Complex, for criminal matters, the Court of Queen's Bench will be offering email filing in the Winnipeg Judicial Centre. The forthcoming Notice from the Registrar [**respecting email filing for criminal matters**] should be consulted regarding the email filing process and accompanying requirements.

As noted, as of February 1, 2021, in all judicial centres, all judge-alone criminal trials will presumptively proceed in person. In keeping with the Court's now well-established approach, an adjournment of a criminal trial will occur only in exceptional circumstances and will require, where the trial has not yet commenced, the approval of the Chief Justice or his designate. Any request to adjourn a trial must be made by letter received by the Chief Justice no later than the Monday of the week preceding the commencement of the trial. Counsel must describe in their correspondence the circumstances justifying the adjournment.

Further updates to the scheduling protocols announced in the December 18th Practice Direction regarding other proceedings will be announced in a future Direction to be published in due course.

Coming into effect

This Practice Direction comes into effect immediately.

ISSUED BY:

“Original signed by Chief Justice Glenn D. Joyal”

**The Honourable Chief Justice Glenn D. Joyal
Court of Queen's Bench (Manitoba)**

DATE: January 14, 2021