

# ADULT PRE-TRIAL COORDINATION PROTOCOL

## WINNIPEG CENTRE

The Provincial Court of Manitoba  
(April 25, 2023)

Amended April 1, 2025

This Protocol is subject to change. It is expected that over time changes will be made and the Protocol will be amended. Please refer to our website at [www.manitobacourts.mb.ca](http://www.manitobacourts.mb.ca) for the most updated version of the Protocol

## Contents

<b>PREAMBLE.....</b>	<b>1</b>
<b>APPLICATION OF PROTOCOL.....</b>	<b>1</b>
<b>PRE-TRIAL COORDINATION.....</b>	<b>2</b>
<b>IN CUSTODY MATTERS .....</b>	<b>2</b>
<b>PTC In Custody Triage Court.....</b>	<b>3</b>
<b>PTC In Custody Date Setting Court.....</b>	<b>3</b>
<b>Self-Represented In Custody Accused.....</b>	<b>3</b>
<b>OUT OF CUSTODY MATTERS.....</b>	<b>4</b>
<b>Provincial Counter Court (PCC).....</b>	<b>4</b>
<b>Diversion Docket.....</b>	<b>5</b>
<b>Setting Down for Trial or Preliminary Inquiry .....</b>	<b>5</b>
<b>Setting Down for Disposition.....</b>	<b>6</b>
<b>TIMELINE EXCEPTIONS .....</b>	<b>6</b>
<b>1. Consent (one time only) .....</b>	<b>6</b>
<b>2. Problem Solving Court Application.....</b>	<b>7</b>
<b>3. Pre-Sentence Reports (PSR).....</b>	<b>7</b>
<b>4. Judge is Seized .....</b>	<b>7</b>
<b>5. Timeline Amendment for Change of Counsel.....</b>	<b>7</b>
<b>6. Re-Arrest .....</b>	<b>7</b>
<b>CASE MANAGEMENT CONFERENCE (CMC).....</b>	<b>8</b>
<b>NON-APPEARANCE.....</b>	<b>8</b>
<b>By Accused.....</b>	<b>8</b>
<b>By Counsel.....</b>	<b>9</b>
<b>WITHDRAWAL OR CHANGE OF COUNSEL .....</b>	<b>9</b>
<b>APPENDIX A – Crown Stay of Proceedings Form.....</b>	<b>10</b>
<b>APPENDIX B - Designated Offences.....</b>	<b>11</b>
<b>APPENDIX C – Designation of Counsel Form.....</b>	<b>12</b>

# ADULT PRE-TRIAL COORDINATION PROTOCOL

---

## **PREAMBLE**

Section 482.1(1)(b) of the Criminal Code gives the Court the power to delegate certain administrative tasks to court personnel. The pre-trial administrative processing of all criminal cases will be conducted by Pre-Trial Coordinators (PTCs). This process allows the Crown and Defence to identify, discuss and resolve administrative issues without an appearance before a Judge.

Effective pre-trial coordination ensures that when a matter appears before a Judge, only meaningful events occur such as:

- 1) Contested motions;
- 2) Bail applications;
- 3) Contested bail variations;
- 4) Guilty pleas;
- 5) Hearings/trials; and
- 6) Sentencings.

In 2016, the Supreme Court of Canada in *R. v. Jordan* said all justice system participants share responsibility for advancing matters through the justice system within a reasonable period of time. The administrative timelines in this protocol ensure timely access to justice and the efficient progress of cases through the justice system.

## **APPLICATION OF PROTOCOL**

This Protocol applies to all adult criminal prosecutions appearing in the Provincial Court Winnipeg Centre.

PTCs, who are Staff Justices of the Peace, manage all administrative matters relating to these cases within certain timelines. This Protocol is the document from which the PTCs obtain their authority and direction.

## **PRE-TRIAL COORDINATION**

Case management by PTCs is essential for successful processing of cases through the criminal justice system. The PTCs are mandated to carry out administrative tasks to ensure that:

- 1) An accused person has been informed of the right to be represented by Counsel;
- 2) An accused person has been advised of their right to have a trial in English or French;
- 3) Any consent bail variations (except for conditions relating to offences set out in s. 515(4.1) and (4.2) of the *Criminal Code*) have been addressed;
- 4) Counselling or diversion issues have been addressed; and
- 5) Same-day dispositions are facilitated.

Additionally, the PTCs have the authority to perform the following tasks:

- 1) Adjourn matters as required;
- 2) Endorse a stay of proceedings upon being provided with a completed Crown Stay of Proceedings Form (Appendix A);
- 3) Issue, cancel or hold warrants, including a decision whether the warrant should be endorsed or unendorsed, after considering submissions from Counsel;
- 4) Allow Counsel to withdraw;
- 5) Order forfeiture of items seized with the consent of both Crown and Defence;
- 6) Adjourn a matter to the Court of King's Bench Assignment Court;
- 7) Amend Informations by consent; and
- 8) Record elections.

## **IN CUSTODY MATTERS**

Where

- the accused has been denied bail, or
- does not intend to apply for bail,

the matter will next appear on one of the following dockets.

DOCKET NAME	APPEARANCE DATES
<b>PTC IN CUSTODY TRIAGE (PROVINCIAL)</b>	Monday, Friday 9:15 a.m., Rm 316
<b>PTC IN CUSTODY TRIAGE (FEDERAL)</b>	2 <sup>nd</sup> and 4 <sup>th</sup> Thursday 9:15 a.m., Rm 316
<b>PTC IN CUSTODY DATE SETTING COURT (PROVINCIAL)</b>	Friday 9:30 a.m., Rm 401

### **PTC In Custody Triage Court**

The PTC will monitor all matters on the in custody triage docket for 6 weeks from the date of the first appearance on the triage docket. If the accused is charged with a designated offence as indicated in Appendix B, a timeline of 16 weeks applies. It is expected that a date for disposition, preliminary inquiry or trial will be set within these timelines. When a date is set for trial or preliminary inquiry, the Crown must have previously indicated to Defence Counsel if they are proceeding by summary conviction or indictment so that Defence Counsel can indicate their client's election when they set the date.

### **PTC In Custody Date Setting Court**

Where the timeline for provincial adult matters has expired in PTC in custody triage court and no date for preliminary hearing, trial or disposition has been set, matters will be remanded to the PTC in custody date setting court. The video appearance of the accused will be ordered unless a Designation of Counsel Form (Appendix C) has been filed with the Court. A disposition, trial or preliminary inquiry must be set in date setting court. When a date is set for trial or preliminary inquiry, the Crown must have previously indicated to Defence Counsel if they are proceeding by summary conviction or indictment so that Defence Counsel can indicate their client's election when they set the date.

### **Self-Represented In Custody Accused**

When a self-represented in custody accused wishes to set a trial or preliminary inquiry date, the PTC will direct that a Case Management Conference (CMC) be set, in conjunction with the Trial Coordinator's Office (TCO). The matter will be adjourned to the date confirmed by TCO. After the CMC, the matter will be remanded back to the in custody triage docket or as otherwise

directed by the CMC Judge. If the matter is at timeline, the matter will be remanded to the in custody date setting court or as otherwise directed by the CMC Judge. If a self-represented in custody accused wishes to enter a guilty plea, the PTC will direct a date be set in conjunction with TCO. In all cases (CMC, disposition or hearing), there will be a presumption the accused will be transported unless the accused or the Judge indicates otherwise.

## **OUT OF CUSTODY MATTERS**

### **Provincial Counter Court (PCC)**

All out of custody federal matters will appear on the PTC Federal docket on the 2nd and 4th Thursdays of each month at 9:15 a.m. in courtroom 316.

Out of custody provincial adult matters will appear on one of the following docket types between 8:30 a.m. and 2:00 p.m.

<b>DOCKET NAME</b>	<b>APPEARANCE DATES</b>
<b>PTC PCC</b>	Monday, Tuesday, Wednesday
<b>PTC DATE SETTING COURT</b>	Thursdays
<b>PTC DIVERSON</b>	1 <sup>st</sup> and 3 <sup>rd</sup> Fridays of the month

During the hours of 8:30 a.m. and 2:00 p.m. the PCC is not a court of record. Defence Counsel who have filed a Designation of Counsel Form and agreed with the Crown as to the details of adjournments need not attend. Matters not spoken to by 2:00 p.m. will be addressed on the record beginning at 2:30 p.m.

The PTC will monitor all matters on the PTC PCC and PTC Federal dockets for 8 weeks from the first appearance on the dockets. If the accused is charged with a designated offence (Appendix B), a timeline of 16 weeks will apply.

Once Defence Counsel is on record, matters on the PTC PCC and PTC Federal dockets will be remanded to the end of the timeline, at which time it is expected that a date for disposition, preliminary inquiry or trial will be set. When a date is set for trial or preliminary inquiry, the Crown must have previously indicated to Defence Counsel if they are proceeding by summary conviction or indictment so that Defence Counsel can indicate their client's election when they set the date.

If an accused is not represented by Counsel at the first appearance, it is expected that the PTC will advise the accused of the right to counsel.

If the accused does not wish to obtain Counsel, they will be provided with the name and phone number for the Crown Attorney assigned to their file or the duty Crown. The accused will be granted a 2-week remand to contact the assigned Crown Attorney, obtain disclosure and the Crown's position, and begin plea discussions with the Crown. After the initial remand, self-represented accused will be remanded for 2 weeks at a time to monitor the setting of a date for disposition, preliminary inquiry or trial. If a date is not set when the timeline expires, the matter will be remanded to date setting court.

If the accused wishes to retain Counsel, the PTC will remand the matter 2 weeks. If, at the next remand the accused has not yet retained Counsel, a further 2-week remand will be allowed. If Counsel has not yet been retained by this next remand, the accused will be considered self-represented and remanded as indicated in the above paragraph.

If the accused applying for Legal Aid their matter will be remanded to the next Legal Aid Administrative court.

### **Diversion Docket**

If the Crown confirms a matter can be referred to a Restorative Justice diversion program and the accused agrees, the PTC will adjourn the matter six months to the PTC PCC diversion docket which is held on the 1<sup>st</sup> and 3<sup>rd</sup> Friday of the month to confirm completion. Informal diversion referrals will be adjourned as agreed by Crown and Defence.

Once the Crown has been provided with confirmation of successful completion of the program, the Crown may file a Stay of Proceedings Request Form with the PTC on or before the next remand date. If diversion has been unsuccessful, the matter will be remanded to the PTC DSC docket for one further month or to the initial timeline if the matter is not yet at timeline, to set a date for disposition, trial or preliminary inquiry.

### **Setting Down for Trial or Preliminary Inquiry**

When a matter is to be set down for trial or preliminary inquiry, a date has been previously arranged, and a Designation of Counsel Form is filed with the court, no appearance by the accused or Counsel is required.

If a date has not been previously arranged, the matter will be stood down until the end of the docket or to 2:30 p.m. for a date to be arranged.

If a Designation of Counsel Form is not received by the PTC by the end of the docket and Defence Counsel does not appear, the PTC will remand the matter two weeks for the form to be filed or Defence Counsel and/or the accused to appear. Defence Counsel will be notified by the Court of the remand date and appearance required. If the accused appears and signs a Trial Acknowledgement Form, the matter will be set. If a Designation of Counsel Form is still not filed and Defence Counsel or the accused do not appear, a warrant may issue for the accused.

### **Setting Down for Disposition**

Counsel will advise the PTC when a matter is ready for disposition and a date has been agreed upon and confirmed by the Disposition Coordinator. Provided a Designation of Counsel Form has been filed, Defence Counsel and the accused need not attend to set the date. The PTC will adjourn the matter to the date requested. If a Designation of Counsel Form has not been filed, Defence Counsel and/or the accused are required to appear to set the date.

When a self-represented person wishes to plead guilty and the Crown agrees to a same day disposition, the PTC will ensure the matter will be transferred to a same day plea court for sentencing.

### **TIMELINE EXCEPTIONS**

The PTC only has discretion to diverge from the administrative timelines in this protocol in the following circumstances.

#### **1. Consent (one time only)**

- All Counsel consent to an adjournment past the timeline up to a maximum of 4 weeks.
- In co-accused matters where:
  - the accused or co-accused is actively seeking to retain Counsel and the Crown consents to further remands.
  - the co-accused is in custody and the Crown consents to keeping the matters together; the timeline that applies to the in-custody co-accused may apply to the out-of-custody co-accused.



## **2. Problem Solving Court Application**

- The accused has applied for Drug Treatment Court or Mental Health Court and is awaiting acceptance.
- The accused is co-accused with an accused who is applying for or has been accepted into Drug Treatment Court and the Crown consents to adjourning the matter to another PTC docket.
- The accused is waiting for the preparation of an FASD assessment.

## **3. Pre-Sentence Reports (PSR)**

When a PSR is ordered the Judge will set a due date for the report and set the sentencing date for the accused with the input of Counsel. If the Judge does not set the sentencing date and adjourns the matter to a PTC docket, a sentencing date pre-approved by the Disposition Coordinator must be set when the matter first appears before the PTC.

## **4. Judge is Seized**

A matter waiting for a Judge who is seized to set a date may appear on a PTC docket until the date is confirmed by the Trial Coordinator.

## **5. Timeline Amendment for Change of Counsel**

Where there has been a new assignment of Defence Counsel, the PTC may grant 1 timeline extension of up to 4 weeks from the date new Counsel goes on the record.

## **6. Re-Arrest**

### ***Breach & Fail to Appear Charges***

When an accused is arrested on a breach of a release order or fail to appear charge and subsequently appears on the PTC docket without new substantive charges, the timeline will be re-started, at the point it was at immediately prior to the arrest or warrant issuing. If the accused had reached the end of the timeline at the time of arrest or warrant issuing, one remand of up to 4 weeks will be permitted before a plea is required.

### ***New Substantive Charges***

An accused who is arrested on a new substantive charge will be assigned a new timeline for that charge. The timeline on any existing charges will not be affected by the new timeline, unless the Crown agrees to amend the old timeline to be the same as that of the new charges.

## **CASE MANAGEMENT CONFERENCE (CMC)**

A Case Management Conference (CMC) must be arranged with the Trial Coordinator prior to setting a hearing date in the following circumstances:

- 1) Where Counsel are seeking a hearing date of more than two days;
- 2) For sexually related offences where a s. 276 or 278 *Criminal Code* application is anticipated;
- 3) For offences where *Charter* applications are anticipated;
- 4) At the discretion of the Judge, on their own accord or on application by either the accused or the Crown; or
- 5) The accused is self-represented.

On the direction of the case management Judge, the PTC may remand a matter past the expiration of the timeline.

## **NON-APPEARANCE**

### **By Accused**

An accused is required to appear personally in the following circumstances:

- When they are representing themselves;
- When they have a personal appearance requirement; or
- When they are required to appear personally until Counsel is on the record;
- To set a disposition, preliminary inquiry or trial date, when their Counsel has not filed a Designation of Counsel Form.

If an accused is required to appear and does not appear at PCC court, the non-appearance will be noted and the matter may be remanded for 2 weeks on the PCC docket.

If the accused appears on the date following the non-appearance, the matter will proceed as usual. The timeline requirements will not be suspended during this period.

If the accused does not appear on the subsequent remand date and the Crown requests a warrant, the PTC may issue the warrant at the Crown's request, if Defence Counsel does not oppose it issuing. If the PTC is not prepared to issue the warrant, or Defence Counsel is opposed to the warrant issuing, the matter will be transferred to appear before a Judge.

## **By Counsel**

If a Designation of Counsel form has not been filed, and/or Counsel have not provided consent instructions or arranged a date, and Counsel does not appear, the PTC will either stand the matter down for Counsel to appear or adjourn the matter to the next PTC docket. At the next remand, if Defence Counsel does not appear the PTC may issue a warrant for the arrest of the accused, unless the accused is in attendance, or stand the matter down for Counsel to appear before a Judge.

## **WITHDRAWAL OR CHANGE OF COUNSEL**

Counsel may withdraw from the record on a PTC docket in the following circumstances:

- If the accused and new Counsel advise the PTC:
  - that new Counsel has been retained, and goes on the record, and
  - that new Counsel is available for any scheduled trial or preliminary inquiry.
- If the PTC issues a warrant for arrest for the accused and Counsel asks to be removed as counsel of record;
- ⊖ If the accused advises they no longer want Counsel to represent them.
- If an application to the PTC for Counsel to withdraw is contested, Counsel must file a notice of application in accordance with Practice Directive 7 or seek leave of the Court to dispense with said filing.

## APPENDIX A – Crown Stay of Proceedings Form

<b>CROWN REQUEST FORM</b>			
<b>TO BE COMPLETED BY CROWN</b>	<p><b>DATE:</b></p> <p><b>NAME OF ACCUSED:</b></p> <p><b>DATE OF BIRTH:</b></p> <p><b>POLICE REPORT # :</b></p> <p><b>CHARGES:</b></p> <p><b>COURT POCKET #:</b></p>		
	<p><b>CURRENT REMAND DATE:</b></p> <p><b>COURTROOM:</b></p> <p><b>STATUS:</b></p> <div style="text-align: center; margin-top: 20px;"> <input type="checkbox"/> </div> <div style="text-align: center; margin-top: 20px;"> <input type="checkbox"/> <b>PROCEEDING BY DIRECT INDICTMENT</b> </div> <div style="text-align: center; margin-top: 10px;"> <input type="checkbox"/> <b>WARRANT (recall and cancel); (FTA included if applicable)</b> </div>		
	<p><b>I HEREBY DIRECT THAT A STAY OF PROCEEDINGS/WITHDRAWAL OF ALLEGATION BE ENTERED FORTHWITH, ON THE RECORD OF PROCEEDINGS OF THE ABOVE NOTED CHARGES.</b></p> <p><b>CROWN:</b></p> <p><b>SIGNATURE:</b> _____</p> <p><input type="checkbox"/> A motion was filed in these proceedings.</p> <p>Defence Counsel:</p> <p><b><i>Please note that proceedings and all applicable orders remain in place until this request is processed by the Court.</i></b></p> <p>Defence E-mail Address:</p> <p>or Telephone #</p>		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"><b>CROWN CONTACT:</b></td> <td style="width: 50%; padding: 5px;"><b>PHONE NUMBER:</b></td> </tr> </table>	<b>CROWN CONTACT:</b>	<b>PHONE NUMBER:</b>
<b>CROWN CONTACT:</b>	<b>PHONE NUMBER:</b>		

## **APPENDIX B – Designated Offences**

### **Designated Offences**

Homicides and fatalities  
Child Pornography  
Attempt Murder  
Aggravated sexual assault & sexual assault with weapon  
Aggravated assault  
Robbery with firearm  
Robbery  
Sexual Assault cause bodily harm  
Break and Enter – 3 or more  
Break and Enter involving a Home Invasion  
Impaired cause bodily harm  
Criminal Negligence cause bodily harm  
Drive Dangerous cause bodily harm  
Extortion  
Hostage Taking  
Incest  
Perjury  
All firearms and explosives offences  
Overcoming resistance - s. 246  
Administering Noxious Thing with intent  
Mischief endangering life  
Arson  
CDSA Project files as identified by the Federal Crown

## APPENDIX C – Designation of Counsel Form

**PROVINCIAL COURT OF MANITOBA  
CENTRE**

**DESIGNATION OF COUNSEL**

Name of accused: \_\_\_\_\_

Address of accused: \_\_\_\_\_

My lawyer is: \_\_\_\_\_

Address and telephone number: \_\_\_\_\_

Personal appearance required as condition of release: ☐ yes ☐ no

I have asked my lawyer to represent me and appear for me on the following charges:

	Information #	Charge(s)	Date of Offence(s)
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____

I understand if I have a personal appearance requirement as a condition of my release that I must attend court in person on each of my court dates.

I understand my lawyer cannot appear for me in my absence on charges not listed above.

I understand it is my choice whether to have my trial in Provincial Court or in the Court of King's Bench.

I understand my lawyer will indicate on my behalf whether I want to have my trial in Provincial Court or in the Court of King's Bench.

I understand I must attend court in person for my trial if I decide to plead not guilty.

I understand I must attend court in person for my sentencing if I decide to plead guilty.

I understand I must attend court in person on any other date the Judge orders me to attend.

I agree that if the Judge tells my lawyer I am required to appear in court, it is the same as the Judge telling me I am required to appear in court.

I understand I must keep in contact with my lawyer until my charges are dealt with so that I know when I am required to appear in court.

I understand I must tell my lawyer immediately if I change my address, my email address or telephone number.

I have been given a copy of this Designation of Counsel form.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_ .

\_\_\_\_\_  
Signature of Accused

\_\_\_\_\_  
Signature of Lawyer  
(Designated Counsel)

I attest that I have reviewed the contents of the Designation of Counsel form with \_\_\_\_\_

He/she/they has affirmed it to be true and correct in lieu of his/her/their signature.

\_\_\_\_\_  
Signature of Lawyer  
(Designated Counsel)