



CRIMINAL PRACTICE DIRECTIVE #1

CRIMINAL PRE-TRIAL CONFERENCES

REFERENCE: CRIM-PD #1

Effective: March 26, 2021

Revised: November 1, 2023; December 1, 2024, February 1, 2026

1. Pre-trial conferences will be held for all criminal cases in all judicial centres before designated criminal pre-trial judges.¹
2. The Crown shall file with the Court and provide to the defence the indictment in advance of the first date set for the pre-trial conference. The face of the indictment shall identify the related information number(s) and specific count(s) in the information(s) relating to each count in the indictment.
3. The Crown shall also file with the Court and provide to the defence the Crown's witness list in advance of the second date set for the pre-trial conference.
4. The Crown shall also file with the Court and provide to the defence, in those cases where there is no transcript of a preliminary inquiry, for whatever reason, or where there was a partial or focused preliminary inquiry, a Crown summary. The Crown summary:
 - a) shall be filed with the Court and provided to the defence prior to the second date set for the pre-trial conference;
 - b) will be kept by the pre-trial judge; and
 - c) does not form part of the court record.
5. The defence shall file a King's Bench Designation of Counsel in the attached Form A [Designation of Counsel] prior to the first date set for the pre-trial conference. In the event that the accused changes counsel a new Designation of

¹ This is in addition to the optional pre-hearing conference held before the presiding judge as contemplated by s. 625.1(1) of the *Criminal Code* and the mandatory pre-hearing conference held before the presiding trial judge in any case tried with a jury pursuant to s. 625.1(2) of the *Criminal Code*.

Counsel must be filed.

6. The defence may also file any additional relevant defence materials the defence believes may enhance the pre-trial process. In the event that the defence chooses to file additional materials, they:
 - a) shall be filed with the Court and provided to the Crown prior to the second date set for the pre-trial conference;
 - b) will be kept by the pre-trial judge; and
 - c) do not form part of the court record.
7. The parties can expect that the judge who conducts the pre-trial conference will have read the transcript of the preliminary inquiry, if any, the Crown summary, and the additional defence materials. Following the pre-trial conference the judge will complete the attached Form B [Criminal Jury and Non-Jury Pre-Trial Conference Report].
8. Where the accused is represented by counsel at the pre-trial conference, the purpose of the pre-trial conference is to discuss whether resolution is possible and, if not, to address all issues that may promote a fair and efficient trial.
9. Where an accused is self-represented at the pre-trial conference, the parties can expect that the pre-trial judge will address the issue of whether the accused will engage counsel for trial. If so, the pre-trial judge may decide to adjourn the pre-trial conference to permit the self-represented accused to retain counsel. If the accused does not retain counsel, the pre-trial conference will normally be limited to management discussions, completion of the pre-trial conference report, and setting dates for the trial. The pre-trial conference report will include a direction that the local registrar convene a management conference with the Crown, the self-represented accused and the trial judge, upon assignment of the trial. The pre-trial judge will provide the self-represented accused with a Procedural Memorandum prepared by the Court to assist the self-represented accused in preparing for trial.
10. If going to trial, a pre-trial conference can achieve many goals, including:
 - a) narrowing issues that require attention at trial;
 - b) focusing on the trial issues and obtaining agreed statements of fact on non-contentious issues;
 - c) setting schedules and trial dates;

- d) discussing the realistic length of time required for trial;
- e) identifying any known outstanding disclosure issues;
- f) where relevant, discussing jury selection issues, such as whether a challenge for cause is required;
- g) discussing the number and nature of pre-trial motions;
- h) discussing the issues upon which the trial may turn; and
- i) identifying the witnesses to be called, expert evidence to be called and admissions that can be made.

11. The completed pre-trial conference report will be placed on the court file and will be available to the trial judge, counsel and the self-represented accused. All discussions held during the criminal pre-trial conferences are confidential and shall not be raised by either party at any court proceeding, including the trial.
12. The pre-trial judge will not preside at the trial of the case but, with the consent of both parties, may accept a plea of guilty and sentence the accused.
13. Even though a case has been set down for trial and/or assigned to a trial judge, the criminal pre-trial judge may continue to manage issues that may arise from time to time.
14. The dates on which criminal pre-trial conferences will be held in each judicial centre are posted on the Court's website.
15. When an accused elects trial by the Court of King's Bench (in all instances, including: where the accused is ordered to stand trial after preliminary inquiry (s. 548(1)(a)); where the accused consents to committal to a King's Bench trial (s. 549); where an accused does not request a preliminary inquiry (s. 536(2) and s. 536(4.3)); or where an accused is not entitled to a preliminary inquiry (s. 536(2.1))), the Provincial Court shall order the accused to appear before the Court of King's Bench at the next criminal pre-trial date for that judicial centre, to set a date for trial. Further:
 - a) *Where an accused has counsel* - no time need be endorsed or identified for the appearance ordered in the Court of King's Bench at criminal pre-trial pursuant to s. 536(2.1), s. 536(4.3) or s. 548(2.1).
 - b) *Where an accused does not have counsel* - (where the accused is on remand or has been released), the Provincial Court shall order the accused to appear before the Court of King's Bench at the next criminal pre-trial date for that

judicial centre at 11:00 a.m., to set a date for trial, pursuant to s. 536(2.1), s. 536(4.3) and/or s. 548(2.1).

- c) *Where an accused is in custody* - It is not necessary for the Provincial Court to remand the accused to the next regular criminal pre-trial date or to any other specified date in the Court of King's Bench. Rather, the Court of King's Bench will issue a production order for any accused in custody whose attendance is required.

Chief Justice M.D. Popescul
Court of King's Bench for Saskatchewan

FORM A

COURT OF KING'S BENCH FOR SASKATCHEWAN
JUDICIAL CENTRE OF _____

**DESIGNATION OF COUNSEL PURSUANT TO SECTION 650.01
OF THE *CRIMINAL CODE***

I, _____, pursuant to s. 650.01 of the *Criminal Code*, hereby
(*name of accused*)
appoint _____
(*name and address of counsel*)

to represent me for the following proceedings:

(*List all charges on the Indictment, Information numbers, if any, and Indictment date.*)

I acknowledge that although I have signed this designation of counsel, there are times when I must be personally present in court and that I must keep in regular contact with my designated counsel so that I will know about those times. I acknowledge that I am required to be present in court when:

- (a) any oral evidence of a witness is taken;
- (b) jurors are being selected;
- (c) an application for writ of habeas corpus is made; or
- (d) ordered by the Court to be personally present or to attend remotely.

I understand that appearance by my designated counsel is equivalent to my being present unless the Court orders otherwise and I understand that a plea of guilty may be made and a sentence may be pronounced only if I am present unless the Court orders otherwise.

I also acknowledge that if the Court orders me to be present otherwise than by an appearance by my designated counsel, the Court may:

- (a) issue a summons to compel my presence and order that the summons be served by leaving a copy at the address contained in this designation of counsel; or
- (b) issue an arrest warrant to compel my presence before the Court.

DATED at _____, in the Province of Saskatchewan, this ____ day
of _____, 20____.

(Signature of accused)

(Signature of designated counsel)

(Printed name of accused)

(Printed name of designated counsel)

(Full address of accused)

(Full address of designated counsel)

FORM B

NO ACCESS TO PRE-TRIAL CONFERENCE REPORT – SEALED ENVELOPE
CRIMINAL JURY AND NON-JURY PRE-TRIAL CONFERENCE REPORT

CRM No.: _____

JUDICIAL CENTRE OF _____

Date of first Criminal Pre-Trial Conference

1. ACCUSED and CHARGES

	<u>Name</u>	<u>Date of Birth</u>	<u>On Remand (yes/no)</u>
R v (A)	_____	_____	_____
(B)	_____	_____	_____
(C)	_____	_____	_____

Charges on indictment:

Date of Offence:

(Attach copy of Indictment filed.)

2. COUNSEL

	<u>Name</u>	<u>Designation of Counsel filed? (yes/no)</u>
for Crown	_____	_____
Prov <input type="checkbox"/> Fed <input type="checkbox"/>	_____	_____
for Accused A	_____	_____
for Accused B	_____	_____
for Accused C	_____	_____

3. 30-MONTH DATE:

Date of

Information No.: _____ Sworn: _____ 30-month date: _____

[See Appendix "A" background *Jordan* information]

4. DATES OF:

Information received from Provincial Court: _____

• Election by Accused: _____ Jury _____ Non-jury _____

• Was accused present? Yes _____ No _____

• Deemed to be tried by jury: _____ Was accused present? Yes _____ No _____

• Section 530(3) CCC, language election by accused: English _____ French _____
Was the accused present? Yes _____ No _____ Date: _____

• Preliminary Inquiry:

	Counts
_____ Preliminary Hearing – not available – s. 536(2.1)	_____
_____ Preliminary Hearing – not requested – s. 536(4.3)	_____
_____ Consent Committal – s. 549	_____
_____ Consent Committal after evidence heard	_____
_____ Preliminary Hearing held – committal:	_____
• Filing of Indictment: _____	• Filing of Direct Indictment: _____
• Filing of Transcript: _____	

5. WILL THERE BE A RE-ELECTION?

• Current election: _____ Judge and Jury _____ Judge alone

• Re-election to: _____ Judge and Jury _____ Judge alone

• If required, will Crown consent? _____ Yes _____ No

• Date of Re-election _____

• Pursuant to s. 561 _____ • Pursuant to 536.2 _____

• Election to be confirmed by trial judge? _____ Yes _____ No

6. ANY DISCLOSURE ISSUES?

_____ Complete

_____ Outstanding issues _____

- Alibi? _____

- Other _____

7. WHAT ADMISSIONS ARE DEFENCE COUNSEL PREPARED TO MAKE?

Admissions at trial (pursuant to s. 655 CCC)	
Identity of accused	
Jurisdiction	
Continuity re exhibits	
Medical records/reports	
Financial records	
Documentary evidence	
Expert's report	
Date of birth of complainant	
Photographs	
Other admissions	

8. ANY ISSUES ON THE FACE OF THE INDICTMENT?

Yes No

If so, particulars _____

9. TRIAL

(a) Trial witnesses

	Crown	Accused A	Accused B	Accused C	Accused D
Civilian witnesses					
Police witnesses					
Expert witnesses					

Has Crown filed an anticipated witness list? Yes No

Length of trial _____ court days

(b) Expert Witnesses

(i) Does the Crown intend to call expert witness(es)? Yes No

If so, who and area of expertise?

Has notice been given for any expert witness, including report? Yes No

Does defence contest the admissibility of expert's qualifications? Yes No

area of expertise? Yes No

Mohan / White Burgess voir dire to be held:

In advance of trial? Yes No

OR Blended *voir dire*? Yes No

(ii) Does defence intend to call expert witness(es)? Yes No

If so, who and area of expertise?

Does Crown contest the admissibility of expert's qualifications? Yes No

area of expertise? Yes No

Mohan / White Burgess voir dire to be held?

In advance of trial? Yes No

OR Blended *voir dire*? Yes No

10. PRE-TRIAL APPLICATIONS

A. CROWN APPLICATIONS

(i) Statement(s) of the accused – voluntariness of statement(s)/utterances:

(a) Is Crown seeking to introduce an accused's statement as part of its case?

Yes No

(b) Is Crown seeking to introduce an accused's statement for sole purpose of cross-examination? Yes No

(c) Form of statement:

oral written audiotaped videotaped warned statement

(d) If the statement is audiotaped or videotaped, is there a transcript? Yes No

Length of statement _____

(e) Does the defence dispute admissibility? Yes No

(f) *Voir dire* required? Yes No

(g) Do the Crown and defence consent to the transcript being marked as an exhibit on the *voir dire*? Yes No

(h) *Voir dire* defence issues:

Recipient as a person in authority Yes No

Voluntariness Yes No

Charter, s. 10(a) Yes No

Charter, s. 10(b) Yes No

Other _____

(i) Number of witnesses to be called on *voir dire*: Crown Defence

Time estimated for *voir dire*: _____

(j) Do counsel agree that a pre-trial application in advance of trial is appropriate?

Yes No

If pre-trial application, have trial judge assigned to set date.

- Crown to produce accused if on remand?

OR

Blended *voir dire* is appropriate? Yes No

(k) Spontaneous utterances _____ *Voir dire* required? _____

(ii) Other Crown pre-trial applications:

- *Seaboyer* application: Yes No
- Disreputable conduct evidence: Yes No
- Similar fact: Yes No
- Hearsay evidence: Yes No
- Principled exception to the hearsay rule: Yes No
- After-the-fact conduct evidence: Yes No
- Intercepted private communications: Yes No
- Other legal issues requiring rulings anticipated by the Crown: _____

Do counsel agree that a pre-trial application or blended *voir dire* is appropriate?

Yes No If pre-trial application, have trial judge assigned to set date.

- Who will produce accused if on remand? _____

(iii) Competency of witnesses

(a) Does the Crown/defence intend to call any witness who is under the age of 14 years?
____ Yes ____ No

(b) Does the Crown/defence intend to challenge the capacity of any witness on the basis of mental capacity? ____ Yes ____ No

(c) Name of witness and basis of challenge:

(iv) Manner in which evidence is to be introduced

(a) Does the Crown or defence seek to have any witness's evidence introduced:

(i) by video link, under s. 714.1 or 714.2? ____ Yes ____ No

(ii) by reading in evidence previously taken under s. 715? ____ Yes ____ No

(iii) by videotaped evidence under s. 715.1? ____ Yes ____ No

Any issues with 715.1? _____

Length of recorded interview? _____

Any issues with quality of recording? _____

Is there a transcript available? _____

(iv) by closed circuit link from soft room or behind a screen:

 under s. 486.2(1) ____ Yes ____ No

 under s. 486.2(2) ____ Yes ____ No

(v) by Webex? ____ Yes ____ No

(vi) by Zoom? ____ Yes ____ No

(vii) by other means? ____ Yes ____ No

(b) Does the defence consent to the admissibility of the evidence in the manner proposed? ____ Yes ____ No

(c) Will the Crown or any witness under the age of 18 apply for an order under s. 486.3 appointing counsel to cross-examine the witness, if the accused is not represented by counsel? ____ Yes ____ No

(d) Does the accused oppose the order? ____ Yes ____ No

(e) If opposed, estimate the time for *voir dire* and when: _____

(v) Support person s. 486.1(1) of s. 486.1(2) CCC

(a) Will any Crown witness require a support person under s. 486.1(1)? Yes No

(b) Will any Crown witness require a support person under s. 486.1(2)? Yes No

(c) Does the defence oppose the order? Yes No

(d) If opposed, estimate the time and when *voir dire* to be held? _____

B. DEFENCE APPLICATIONS

by specific accused: A. _____
B. _____
C. _____

(a) General applications:

- entrapment
- severance
- third party suspect
- other _____

(b) *Charter* applications:

To exclude evidence based upon s. 24(2) *Charter* alleging breaches of:

- **s. 7 Right to life, liberty and security of person** _____

Specifics of alleged violation (i.e., attack on constitutionality or legislation, abuse of process): _____

Remedy sought: _____

- **s. 8 Unreasonable search or seizure** _____

Specifics of alleged violation: _____

Garofoli application (application to cross-examine an affiant on ITO):

____ Yes No

Remedy sought: _____

Issue: facial validity sub-facial validity execution

Application to cross-examine affiant of Information to Obtain? Yes No

- **s. 9 Arbitrary detention** _____

Specifics of alleged violation (i.e., roadside detention, overholding): _____

Remedy sought: _____

- **s. 10 Right to counsel** _____

Specifics of alleged violation (i.e., information or implementational component):

Remedy sought: _____

- **s. 11 Right to be tried within a reasonable time** _____

Specifics of alleged violation:

Remedy sought: _____

- **Other** _____

Do all counsel agree the application(s) can be heard in a pre-trial application or blended *voir dire*? Yes No

If split trial:

Trial judge to be assigned to set up case management to manage and set date for hearing pre-trial application.

Charter application to be filed by _____ with pre-trial judge. Attached to this Criminal Pre-trial Conference Report form.

(ii) Third Party Records Applications – s. 278.3 CCC [60 days prior to hearing]

By defence: Yes No

By Crown: Yes No

Nature of the third party records:

Holder of third party records _____

Trial judge to be assigned to set up case management to manage the s. 278 application process, including fixing first return date. _____

(iii) Evidence of the complainant's other sexual activity – s. 276 CCC

Nature of the evidence:

Trial judge to be assigned to set up case management to manage the s. 276 application process including fixing first return date. _____

(iv) S. 278.92 Records in possession of the accused

Nature of the evidence _____

Trial judge to be assigned to set up case management to manage the s. 278.92 applications, including fixing first return date.

(v) Other legal issues requiring rulings anticipated by the defence. E.g. *Corbett* application

(vi) Anticipated defence(s) if disclosed.

11. OTHER TRIAL ISSUES

(a) Interpreters

Does the accused require an interpreter? Yes No

If yes, for which language? _____ Specific dialect? _____

Do any defence witnesses require an interpreter? Yes No

If yes, for which language? _____ Specific dialect? _____

Do any Crown witnesses require an interpreter? Yes No

If yes, for which language? _____ Specific dialect? _____

Should there be more than one interpreter? Yes No

Comments: _____

(b) Exhibits to be filed at trial. Any issue(s) regarding form of exhibits?

- Technology issues? _____
- Compatibility issues? _____
- Any other issues? _____

(c) Courtroom technology equipment required?

Counsel are responsible to ensure all necessary equipment is available and compatible with court technology.

- _____
- _____
- _____

Counsel are to make arrangements for testing all equipment in advance of pre-trial *voir dire* and trial.

12. CASE MANAGEMENT CONFERENCE IN THE PRESENCE OF THE ACCUSED

(a) (i) Trial judge to be assigned to immediately arrange for case management conference with counsel? Yes No

(ii) Trial judge to be assigned but no case management to be held until advised by pre-trial judge? Yes No

(b) If jury trial, all jury selection issues as well as all other jury issues to be discussed by counsel with the assigned trial judge.

- Is defence bringing challenge for cause? _____
- The basis of the challenge for cause? _____

(c) Are there any courtroom security issues? Yes No

If any, specifics of any concerns to be addressed? _____

(d) Other comments: _____

TRIAL DATES SET FOR:

Production of accused if on remand _____

Date Pre-trial Judge concluded management

J.

Pre-trial Judge

Appendix A

Any previous Information(s): Yes _____ No _____

Prior Information No(s).	Date Sworn