

NOTICE TO THE PROFESSION AND PARTIES
PROTOCOL FOR CRIMINAL PROCEEDINGS
THE SUPERIOR COURT OF JUSTICE
CENTRAL EAST REGION

Effective June 1, 2022

This Notice to the Profession and Parties applies to proceedings in the Superior Court of Justice, Central East Region, commencing June 1, 2022.

This Notice *supersedes* all previous region-specific Practice Directions and Notices to the Profession for the Central East Region issued prior to this date, which are hereby revoked.

Counsel and parties are also advised to refer to the relevant Parts of the following, which are available on the Superior Court of Justice website at: www.ontariocourts.ca/scj:

[Consolidated Provincial Practice Direction](#);

[Notice to the Profession, Parties, Public, and the Media - effective April 19, 2022](#)

PART 1 - PRESUMPTIVE MODE OF HEARING.....	2
PART 2 - FILING COURT DOCUMENTS	3
PART 3 - UPLOADING OF DOCUMENTS (CaseLines)	4
A. Generally	4
B. Criminal Matters	4
C. Release of Orders and Endorsements.....	5
PART 4- CRIMINAL PROCEEDINGS.....	6

PART 1 - PRESUMPTIVE MODE OF HEARING

For complete information on the Presumptive Mode of Hearing Guidelines for the Superior Court of Justice, please see:

[Guidelines to Determine Mode of Proceeding in Criminal | Superior Court of Justice](#)

The chart below lists the presumptive modes of hearing for criminal matters in the Central East region.

		In Person	Virtual	In Writing
Criminal	Jury trial	X		
	Non-jury trial	X		
	Pre-trial motions	X		
	Guilty Pleas	X		
	Sentencing Hearing	X		
	Assignment Court /TBST/First Appearance		X	
	Summary Conviction Appeal		X	
	Judicial Pre-trials		X	
	Bail Hearings		X	
	Bail/Detention Reviews		X	

A. Change to Presumptive Mode of Hearing

All events scheduled, on or after June 1, 2022, will proceed in the presumptive mode of hearing set out above unless a judge, prior to the hearing, has directed otherwise.

Criminal Events:

Any party seeking to change the presumptive mode of hearing for an event must raise this request no less than 60 days before the event with the presiding judge or their designate. The accused **must** be present in person or via video link for this request.

A written request must be sent to the Trial Coordinator's Office, which will schedule a virtual or in person attendance before a judge.

Failure to raise this at the first available opportunity will result in the event proceeding in the presumptive mode of hearing. The request will not be considered on the scheduled hearing date.

PART 2 - FILING COURT DOCUMENTS

Filings in Criminal Matters

All filings for Criminal matters must be emailed to the address(es) located in the [Region's Notice](#) and follow the protocol set out in the [Region's Notice](#). Also, for further direction, please refer to section IX, X, and XI in the [Provincial Practice Direction /Amendment to the Criminal Proceedings Rules Regarding Criminal Proceedings](#)

Court filed documents in criminal, proceedings must comply with the court filing requirements in:

- R. 4.01 of the *Criminal Proceedings Rules*;

Court documents which do not comply with these document standards, including the maximum length for such documents will NOT be accepted for filing (and therefore cannot be uploaded to CaseLines).

PLEASE ENSURE STRICT COMPLIANCE WITH TIMELINES and COURT FILING DOCUMENT STANDARDS.

All filings for Criminal matters are to be filed through the following email addresses:

Barrie – Barrie.SCJ.courts@ontario.ca

Bracebridge – Bracebridge.courts@ontario.ca

Cobourg - Cobourg.court@ontario.ca

Lindsay – Lindsay.courts@ontario.ca

Newmarket – yorkcrimSCJ@ontario.ca

Oshawa – Durham.SCJ.Courts@ontario.ca

Peterborough – Peterborough.scj.courts@ontario.ca

PART 3 - UPLOADING OF DOCUMENTS (CaseLines)

A. Generally

In the event new counsel takes over a matter from counsel of record, it is the responsibility of the new counsel to contact the former counsel of record to obtain the invitation to CaseLines or in the alternative, obtain the invitation from the Trial Coordinator. Counsel may invite their legal assistant to upload the event materials.

How? You can do so by locating the case (found on your View Case List screen) and selecting Update Case. Next, click on the People tab found in the case file and then on Invite New Participant. Enter the participant's email address and select the bundles you would like to provide them access to (i.e. the event and Orders and Endorsements bundles). Once you click Invite, an automated CaseLines email will be sent to the person containing a link to the case.

Failure to comply with the above may result in the event not proceeding as scheduled and, where appropriate, judicial sanctions and/or terms may be imposed.

Only court documents which have been accepted for filing are to be uploaded. Should any party upload documents which have not been filed, the party must bring this to the attention of the presiding judge.

B. Criminal Matters

For full details on uploading materials to CaseLines (including links to helpful tips) and further particular requirements/restrictions on uploading materials to CaseLines for criminal matters see the [Provincial Consolidated Notice to the Profession, Parties, Public and the Media](#) and in particular [paragraph 4](#) of that Notice.

Upon service and filing of documents, counsel must immediately upload the filed documents to CaseLines. If necessary, counsel should contact the Court Office to obtain a CaseLines invite for the event. Uploading to CaseLines after 4:00pm the business day before or the morning of the beginning of the hearing must be avoided. Counsel can assume all materials filed on CaseLines by 4:00pm of the business day prior to a scheduled hearing will have been read by the presiding Justice.

In summary, CaseLines shall be used for all criminal events except for the following events:

- Trial Readiness Court;
- Assignment Court;
- Bail Estreatments; and,
- TBST matters.

C. Release of Orders and Endorsements

Where an event was heard using CaseLines, court staff may release orders and endorsements to the parties by uploading them to CaseLines instead of sending them by e-mail, subject to any direction from the presiding judicial official.

When orders and endorsements are released and updated to CaseLines, the parties will receive notification that CaseLines has been updated. Parties can then obtain these documents by accessing the Orders and Endorsements sub-bundle in CaseLines. In some cases, where the court has reserved, the presiding judge may also send a copy of the reasons or endorsement to the parties via email.

PART 4- CRIMINAL PROCEEDINGS

Parties must comply with the current practice direction regarding Province Wide Practice Direction in Criminal proceedings:

[Provincial Practice Direction /Amendment to the Criminal Proceedings Rules Regarding Criminal Proceedings | Superior Court of Justice \(ontariocourts.ca\)](#)

This Provincial Practice Direction covers the following topics:

Part I: Interpretation and Application of this Practice Direction

Part II: s. 11(b) – Appearances on Indictments

Part III: Factums

Part IV: Pre-trial Conferences

1. Updated Pre-trial Forms
2. Directions and Orders of Pre-Trial Conference Judge
3. Conducting Pre-trial Conferences by telephone or video conference

Part V: Bail Variations pursuant to s. 519.1 of the Code

Part VI: Applications under s. 11(b) of the Canadian Charter of Rights and Freedoms

1. Scheduling of s. 11(b) Applications
2. Supporting Materials in s. 11(b) Applications

Part VII: Related Amendments to Other Superior Court of Justice Practice Directions

Part VIII: Media Notification After Jury Sequestered

1. Purpose of this Part
2. Interpretation and Application of this Part

PART IX: Filing

PART X: Remote Proceedings

PART XI: Designations

Dated: June 1, 2022

Mark L. Edwards
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Superior Court of Justice
Central East Region