



## CENTRAL WEST: ORANGEVILLE OCJ

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## **Important Updates**

All information below is current as of October 29, 2020. Although currently Assignment Court is conducted as it traditionally has been on Monday, Tuesday and Thursday, this court will be expanding to include Wednesday appearances. This court is a Zoom court. The access information and counsel sign up sheet is listed below. Duty court continues on Tuesday and Thursday although I expect an expansion to this court as well. Duty court continues in the old school teleconference. The contact info and counsel link for the sign up sheet is also below. Not all crowns are using the sign-up sheet in duty court. I am working on it!

## **Daily Courtroom Assignments**

### **1) ASSIGNMENT COURT - 202 - JP court**

#### **Virtual Criminal Case Management Appearances in ORANGEVILLE**

Beginning Monday, August 24<sup>th</sup>, 2020 (Published August 20<sup>th</sup>, 2020)

The Court has been actively working to adopt technology that will allow accused persons and/or counsel to attend criminal case management appearances using remote technology. Beginning **Monday, August 24<sup>th</sup>, 2020**, counsel and accused persons who are out of custody will be able to attend for criminal case management appearances in Orangeville by videoconference or audioconference (telephone) using Zoom.

Further information about criminal proceedings in the Ontario Court of Justice is available in the [COVID-19: Notice to Counsel and the Public re: Criminal Matters in the Ontario Court of Justice](#).

**Note:** The automatic adjournment of criminal case management appearances due to the COVID-19 pandemic has resulted in large dockets. In addition, it will likely take all participants some time to adapt to the new procedures and technology involved in conducting these appearances using

remote technology. The Court encourages and appreciates the cooperation and patience of all participants, particularly at the beginning of this initiative. The Court will revise and refine the procedures for these virtual case management courts, as appropriate, based on feedback and as court operations continue to evolve in response to the COVID-19 pandemic.

**1) Virtual Criminal Case Management Appearances in Orangeville**

Beginning **Monday, August 24th, 2020**, counsel and accused persons who are out of custody will be able to attend for criminal case management appearances in Orangeville by audioconference (telephone) or videoconference using Zoom.

Case management appearances include a “first appearance” and matters scheduled “to be spoken to” or to “set a date”. They do not include trials, preliminary hearings, guilty pleas or sentencings.

This Notice applies to matters involving accused persons who are out of custody scheduled in the following criminal case management courts in Orangeville:

<b>MATTER TYPE:</b>	<b>DAYS AND TIMES:</b>	<b>COURTROOM:</b>
Youth Case Management Court	Mondays at 0900 am to 0930 am	202
Federal Case Management Court	Mondays at 0930 to 1000 am	202
Adult Criminal Case Management Court	Mondays at 1000 am to 1100 am Tuesdays & Thursdays at 0900 to 1100 AM	202

This Notice applies to all matters on the docket in the courtroom listed above, and may include matters in other courtrooms, such as trials or preliminary inquiries, that were adjourned to the case management court.

## 2) Remote Appearances Using Zoom

Criminal case management appearances will be conducted using Zoom, which allows participants to join by videoconference or audioconference (telephone).

A Zoom account is not required to participate in Zoom hearings. You can download Zoom at <https://zoom.us/> free of charge. User tutorials for Zoom are available at:

<https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials>

Until further notice, criminal case management appearances will be conducted by remote appearance (audioconference or videoconference) only. Attendance in criminal case management courtrooms will be restricted to the judicial official and essential court staff, unless a judicial official directs otherwise.

The number of people who may be present in the courthouse and in the courtroom remains restricted in order to comply with health and safety precautions and maintain safe physical distancing to prevent the spread of COVID-19. For this reason, in-person attendances for criminal court case management appearances can not currently be accommodated. If you have a case management criminal court appearance in the Ontario Court of Justice in Orangeville, **do not attend court in person**.

## 3) Appearances by Counsel

Counsel are strongly encouraged to attend case management court appearances by videoconference.

The Court expects that counsel will notify their clients that criminal case management appearances have resumed and that the client is required to attend by videoconference or audioconference, unless counsel is appearing on their behalf.

## 4) Appearances by Accused Persons

Accused persons are encouraged to attend case management court appearances by videoconference. However, accused persons who cannot attend by videoconference may attend by audioconference (telephone).

Self-represented accused persons are encouraged to contact Legal Aid Ontario **before** the day of their criminal case management appearance.

Legal Aid Ontario has provided the following information for self-represented accused persons:

Please contact Legal Aid Ontario well in advance of your court appearance. If you would like general legal advice, or if you want to apply for legal aid, call the central Legal Aid Ontario number at 1-800-668-8258. If you want to speak to a local Duty Counsel, and are eligible, Duty Counsel may provide you with legal advice and assistance for your court appearance. At this time local Duty Counsel cannot guarantee same day assistance; it is therefore strongly recommended that you contact Legal Aid Ontario and/or Duty Counsel well in advance of your court date. The Orangeville local Duty Counsel office can be reached by email at [dcc.orangeville@lao.on.ca](mailto:dcc.orangeville@lao.on.ca) or by phone at 519.938.8671.

The COVID-19 pandemic continues to present an extraordinary situation requiring ongoing restrictions on persons being able to attend courthouses in person. The Court recognizes that there may be accused persons who are

unable to attend case management court by audioconference or videoconference. If an accused person does not attend for their criminal case management appearance, their matter will be adjourned to a date five (5) weeks from the scheduled appearance date, with a "[bench warrant with discretion](#)" returnable on the next date.

The presiding judicial official may adjourn a matter to a different date where satisfied that it is in the interest of justice to do so, for example, where the accused person, although unable to attend court, has requested that their matter be adjourned to a specific date.

#### **5) Accused persons who are in custody**

Criminal case management appearances in Orangeville for accused persons who are in custody will continue to be conducted by remote appearance (audioconference or videoconference), in accordance with the procedures in place since March 2020.

#### **6) Enhanced Designations of Counsel**

In response to the COVID-19 pandemic, and in order to limit the number of people who are required to attend court, the Court has issued a Practice

Direction Authorizing Alternate Form of Appearance where an Enhanced Designation of Counsel has been Filed.

Accused persons who are represented by counsel and who have filed an Enhanced Designation of Counsel may have their matters adjourned, without the accused personally appearing, in accordance with the procedure set out in the Practice Direction and in accordance with rule 4.5 of the Criminal Rules of the Ontario Court of Justice.

<b>MATTER TYPE:</b>	<b>DAYS AND TIMES:</b>	<b>COURTROOM:</b>
Youth Case Management Court	Mondays at 0900 am to 0930 am	202
Federal Case Management Court	Mondays at 0930 to 1000 am	202
Adult Criminal Case Management Court	Mondays at 1000 am to 1100 am Tuesdays & Thursdays at 0900 to 1100 AM	202

**Join Zoom Meeting:**

<https://ca01web.zoom.us/j/62693261958?pwd=cFIBeHJRbzN3NXowT01BeThxZWlvZz09> Meeting ID: 626 9326 1958

Passcode: 102054

**Join by Telephone:**

855 703 8985 Canada Toll-free

Meeting ID: 626 9326 1958

Passcode: 102054

## **COUNSEL SIGN UP LINK**

[Counsel sign up sheet \(Orangeville 202\).xlsx](#)

## 2) DUTY COURT - 101

Duty court (101 court with a judge) is still continuing by teleconference.

Toll free#      1-866-633-0848  
                     1-416-212-8012

Conf ID#        2822406

## **COUNSEL SIGN UP LINK**

Orangeville 101 (Duty Court)

[Counsel sign up sheet \(Orangeville 101\).xlsx](#)

## **Contact Information**

### **Duty Counsel**

Nana Kato is the duty counsel assigned to Orangeville Court.

[katon@lao.on.ca](mailto:katon@lao.on.ca)

289-383-3775

### **Crowns**

**PROVINCIAL CROWN:**

[Eservice.orangeville.crowns@ontario.ca](mailto:Eservice.orangeville.crowns@ontario.ca)

This email address has been set up to email the Crowns office for all inquiries including bail variations. All emails will be responded to and properly triaged to the Crown responsible for the matter.

This email may also be used by self-represented accused.

### **FEDERAL CROWN:**

Federal Crown Office Dufferin- Caledon

Evans & Adams

107 Broadway, Orangeville L9W 1K2

Tel: 519-941-0810 ext 0

Fax: 519-941-3333

Email: [federalcrown@evansandadams.com](mailto:federalcrown@evansandadams.com)

For all disclosure requests and inquiries please email.

### **Scheduling**

The trial coordinators for Orangeville are:

Ember Hossie

[ember.hosie@ontario.ca](mailto:ember.hosie@ontario.ca)

Donna Hyatt

[donna.hyatt@ontario.ca](mailto:donna.hyatt@ontario.ca)

### **New Arrests**

Orangeville court receives arrestees from Caledon and Dufferin OPP and now Orangeville OPP. Orangeville Town has recently moved from a municipal police force to



the OPP. We are still in transition and there have been quite a few hiccups. At present any arrests in town are being sent to Dufferin OPP.

The town of Shelburne has also recently voted to disband the municipal force. As of now we are still receiving arrestees from the Town of Shelburne. This will also likely be moved to Dufferin OPP.

## **Bail Procedures**

The court in Orangeville must be made aware of the bail before 12:00 pm or the hearing will not be conducted that day.

On bail matters the Crown Attorney advises that they need to know before 2 pm the day before, how long a bail matter may be in order to advise the jail so please try to get instructions prior to that date. Late information re: plan or sureties may cause delay or adjournment of the matter.

Bail matters are conducted in courtroom 202 by audio or video after the assignment court has completed.

Please see above for call-in numbers.

## **Disclosure Protocol**

You can contact the crown through the e-service email. The provincial crown office in Dufferin County has moved to the Disclosure Hub. The federal crown is still providing scanned and couriered or emailed disclosure.

Information from Ms. Marcone - County of Dufferin Crown Attorney:

1. We undertake to have disclosure prepared within 4 weeks of the arrest date – DO NOT call and ask for disclosure prior to that 4 weeks unless the person is in custody OR there is some urgency because we are doing things in a priority date order.
2. Arrangements can be made to pick up or for disclosure to be sent out to counsel – they can call or email our virtual email for such requests.

## **CPT/JPT Protocol**

CPTs are now scheduled online. You will want to go to **orangevillecpt.appointlet.com** to book. You choose the police force and appointment availability will be provided. After a date has been chosen the crown's office will receive a confirmation email that goes right to their calendars.

Any matters that have an assigned trial crown still has to be booked personally by phone.

Marie Balogh is the team lead for all matters arising out of Caledon. She may be reached at [marie.balogh@ontario.ca](mailto:marie.balogh@ontario.ca).

Michelle Occhiogrosso is the team lead for all other matters out of Orangeville/Shelburne/Dufferin County. She may be reached at [michelle.ochiogrosso@ontario.ca](mailto:michelle.ochiogrosso@ontario.ca).

JPT calls will be scheduled 30 minutes apart

JPT's are being scheduled through the trial coordinators office noted above.

As of **Monday, May 25, 2020** expansion of criminal matters in Orangeville will include the following:

(a) Mondays: JPTs throughout the day. Priority will be given to mandatory JPTs but may include new matters. All JPTs must be booked through the Trial Coordinator. Counsel are to advise if the matter to be pre-tried was affected by the pandemic or is a new matter.

Mandatory JPTs shall be held for:

(a) All criminal hearings scheduled between March 16 and July 3, 2020 that have been, or will be adjourned, due to the pandemic; and

(b) All criminal hearings scheduled between July 6 and October 30, 2020.

Mandatory JPTs are not necessary, but are encouraged, for any matters already commenced and for which a judge is already seized.

### **Filing Information (Including Exhibit Filing)**

The crown counter hours here are between 9 – 11 am and 2 – 4 pm

You can email the crown's office at the e-service email indicated above.

If you wish to have a document before the court, you can contact the local trial coordinators listed above.

If you are filing information for a plea, this information should be sent by email to the assigned crown and the court at [Orangeville.OCJ.courts@ontario.ca](mailto:Orangeville.OCJ.courts@ontario.ca).

### **Video Use**

Zoom is now in use in Justice of the Peace assignment court.

Zoom may be available for Pleas through the assistance of the trial coordinator.

### **Guilty Pleas**

As of **April 1, 2020**, all in-custody pleas shall be booked for Fridays only, unless the Court orders otherwise and then only if there is a judge available (e.g. on a POA Appeal day, the judge will have to be consulted if a criminal plea can be done that day). Urgent out-of-custody pleas that cannot be accommodated on duty court days may also be booked for Fridays. All guilty pleas need to be booked through the Trial Coordinator (by email if all possible) to ensure judicial availability.

Victims will be permitted to attend teleconferences of guilty pleas as well as read their victim impact statements should they wish to do so

There has been discussion about DNA orders, the suggestion was that the orders indicate that the person is required to attend prior to a date potentially 9 months from the date of sentence. This issue should be addressed on sentencing

All JPT's that have been set will proceed by way of audio conference. The trial coordinator will be contacting counsel with the number to call.

As of **Monday, May 25, 2020** expansion of criminal matters in Orangeville will include the following:

(a) Mondays: JPTs throughout the day. Priority will be given to those mandatory JPTs as discussed above but may include new matters. All JPTs must be booked through the Trial Coordinator. Counsel are to advise if the matter to be pre-tried was affected by the pandemic or is a new matter;

(b) Tuesdays: Tuesday Duty Court will accommodate non-urgent out-of-custody criminal matters which must be booked through the Trial Coordinator;

(c) Thursdays: Thursday Duty Court will accommodate non-urgent out-of-custody criminal matters which must be booked through the Trial Coordinator;

(d) Fridays (other than POA Appeal days): Guilty pleas throughout the day with priority being given to in-custody matters. All matters are to be scheduled through the Trial Coordinator.

**When booking any guilty plea, the parties must confirm with the Trial Coordinator that they have communicated with each other regarding (a) the count(s) upon which the Defendant will be arraigned, (b) the modes of prosecution and trial (i.e. elections by both sides), (c) the facts to be relied on; (d) the position of each party on sentence; and (e) specific topics of contention. Parties will also be required to advise the Trial Coordinator of the estimated length of the sentencing hearing and of any special circumstances relevant to scheduling. Counsel will also be required to advise the court of their position on sentence along with any terms that should be included in any potential probation order. All materials that counsel wish to rely upon must be sent to the court prior to the sentencing date.**

**Please be advised that the court has expressed concern about counsel not providing the above information to the court prior to plea and sentencing hearings.**

While bails and in-custody pleas maintain their priority, non-urgent out-of-custody criminal matters (e.g. withdrawals, peace bonds, stays, pleas where not actual loss of liberty is at stake) may be scheduled through the Trial Coordinator as per the schedule above.

## **Trials & Preliminary Hearings**

As of July 6, in-person trials and PHs will resume in Courtroom #102 for both in- and out-of-custody matters.

There will be no automatic adjournment of such matters scheduled for July 6 forward. Adjournment applications must be made in the usual way.

Setting of trial and PH dates will resume on July 6 in accordance with Part 2 of the July 2 OCJ Notice. Setting dates will be prioritized in the manner set out in the chart on page 6 of the July 2 OCJ Notice.

Where there is counsel, scheduling of hearing dates will be done remotely using both the Online TR/PH Scheduling Form AND a scheduling conference with the Trial Coordinator (by Zoom). After the date is scheduled, counsel will set the date on the client's behalf at the next scheduled court appearance.

Where this in no counsel, in-custody self-represented litigants (SRLs), scheduling of dates will be canvassed at their next court appearance. As of today, procedures for setting hearing dates for out-of-custody SRLs are still be developed and will be published when available

## **In-Custody Matters**

In custody pleas are proceeding by way of teleconference through prior arrangement with the trial coordinator as indicated above.

In custody matters can be adjourned by teleconference in duty court.

## **Out-of-Custody Matters**

Pleas are proceeding by way of teleconference through prior arrangement with the trial coordinator as indicated above. Video conference pleas may be made available upon request.

Some out-of-custody pleas may also be accommodated in-person on request to the trial coordinator and with court approval.

## **POA Matters**

No in-person appearances until at least September 11, 2020. See Revised POA Direction of July 2, 2020 attached (also available on OCJ website).

Filing of POA Appeals is limited to those cases where the person's licence is at stake.

Please see provincial updates for further information.

## **Correctional Centers: Local Information/Updates**

### **Coordination of Remote Court Appearances with Maplehurst**

For all remote court appearances (bails or in-custody guilty pleas) a list from a single courthouse contact person containing (a) names of inmates and (b) anticipated order in which their cases are to be heard in Orangeville shall be faxed to MCC not later than 3:00 p.m. the day prior the court appearance allowing them to accommodate the list. On the morning of the appearance MCC shall fax to us an estimated time for each appearance. Given the lack of adequate resources they are not able to provide precise appearance times. Thus, all courts need to be patient as to when the prisoners will actually appear by phone.

MCC is moving to operational hours of 8:00 a.m. to 6:00 p.m. Monday to Friday.

Justice Schwarzl has suggested expanding court hours to accommodate appearances from Maplehurst. No decision has yet been made.

Information provided by Deputy Superintendent Garbacz of Maplehurst indicates that there are no means to accommodate prisoners receiving and signing documents by fax. Due to operational constraints the MCC fax machine is only monitored intermittently.

## **Daily Dockets**

I am now receiving daily dockets. Anyone who wishes to be forwarded the dockets on any given date can email me at [carrie.bellan@criminaldefencelaw.net](mailto:carrie.bellan@criminaldefencelaw.net) and I will provide a copy to you.

## **Superior Court of Justice**

The SCJ assignment court is now being held in person at a specified date and time.

## **Additional Information**

### **Probation and Parole**

Effective March 30, the Orangeville Probation and Parole office doors will be locked every Monday and Friday. However, staff will be working remotely. There is signage posted on the door for offenders, which includes contact information directly for the Probation and Parole Officers and for the support staff if they are unsure of who their Officer is or are not yet assigned to anyone. The sign also directs them to return to the office during the noted business hours (8:30am – 5:00pm) on Tuesday. The Orangeville Probation and Parole office will remain with their doors open from Tuesday to Thursday with a Probation and Parole officer available to provide services.

**Update on the above - I understand that Probation and Parole are now holding in-person meetings.**

## **Orangeville Risk Assessment**

Should anyone wish to obtain a copy of the Orangeville Risk Assessment email me at [carrie.bellan@criminaldefencelaw.net](mailto:carrie.bellan@criminaldefencelaw.net) and I will forward a copy to you.

I have conducted a number of trials in this court. If you would like any further information about the court and what to expect for your trial matter please do not hesitate to contact me.