

CRIMINAL AND PENAL DIVISION OF MONTRÉAL

PLAN FOR THE GRADUAL RESUMPTION OF SERVICES AT THE COURT OF QUÉBEC **AS OF JUNE 1, 2020** IN THE CONTEXT OF THE COVID-19 HEALTH CRISIS

The Court wishes to gradually resume services in both criminal and penal matters by completing hearings and trials already underway.

Applications for judicial authorizations and arrest warrants are presented according to the usual procedure.

The following services are available IN PENAL MATTERS:

1. Applications for revocation of judgments and stay of execution of judgments (s. 255 of the *Code of Penal Procedure*).
2. Applications for further detention of seized property (s. 133 of the *Code of Penal Procedure*).
3. Trials:
 - 3.1. by default, without witnesses;
 - 3.2. by default, with selected witnesses (e.g., police officers or public officers in charge of administering the law);
 - 3.3. with witnesses, in the following cases:
 - 3.3.1. CNESST in the case of death or serious injury;
 - 3.3.2. excessive speeding cases, depending on their seriousness;
 - 3.3.3. certain cases being prosecuted by the AMF and the ARQ depending on the availability of resources (rooms, clerks, lawyers) and deemed a priority due to circumstances.
4. Preliminary motions or motions under the Charter when no witnesses are heard (e.g., observations after a joint statement of facts is filed).
5. Management/facilitation of cases lasting one day or more.
6. Facilitation conferences by request that can be held remotely.

7. Contestations of the greater sentence requested (following a guilty plea).
8. Any proceedings putting an end to disputes, including guilty pleas with joint submissions on sentences.
9. The regular Tuesday schedule will continue in Room 4.12.

Dominique B. Joly, JCQ

Associate Coordinating Judge, Penal Matters

Criminal and Penal Division - Court of Québec

MONTRÉAL COURTHOUSE

Phone: 514-393-2179 / IP 52317 Fax: 514-228-0488

coordination-penale.montreal@judex.qc.ca

The following services are available IN CRIMINAL MATTERS:

10. First appearances and all appearances during the judicial process for detained persons, s. 503 of the *Criminal Code*.
11. Room 4.06 for appearances for persons not detained and pro forma will be in operation from June 22.
12. Bail hearings: s. 515 of the *Criminal Code* (including for persons detained following the execution of a warrant for failing to appear in court).
13. Detention review hearings (s. 525 of the *Criminal Code*) every Friday starting on June 5.
14. Preliminary inquiries and trials that a judge considers urgent, including those detained and cases where the parties are prepared to proceed.
15. Room 6.07 for domestic violence trials will be in operation from June 29. For the months of July and August, the room will be open on Tuesdays, Wednesdays and Fridays.
16. Any proceedings ending disputes, especially guilty pleas with joint submissions on sentences for persons not detained in rooms 4.07 and 3.02.
17. Applications to vary court orders.
18. Continued cases.

All other cases are postponed to a later date. However, such postponements cannot be made in the absence of the parties without procedural implications.

Therefore a prosecutor must be present in all cases.

- The accused (whether in the case of a summary conviction offence or an indictable offence) represented by a lawyer does not have to appear before the Court for the postponement under the provisions of ss. 650 (2) b) and 800 (2) of the *Criminal Code*.
- However, their lawyer must be present OR be represented by another member of the Bar who they designate. Note that the Association québécoise des avocats et avocates de la défense (AQAAD) and the Association des avocats de la défense de Montréal, Laval et Longueuil (AADM) now offer a [service whereby you can be represented by an on-call lawyer](#).
- If you are an accused without a lawyer, it is recommended that you contact legal aid: 514-842-2233 or consult: <https://www.justice.gouv.qc.ca/en/coronavirus/legal-support>

Nathalie Fafard, JCQ

Associate Coordinating Judge, Criminal Matters

Criminal and Penal Division – Court of Québec

MONTREAL COURTHOUSE

Phone: 514-393-2424 IP 53036

coordination-criminelle.montreal@judex.qc.ca