

NOTICE TO THE PROFESSION

ONTARIO COURT OF JUSTICE NEWMARKET – NOVEMBER 28, 2022

JCMC Court and In-Custody Pleas

As of November 28, 2022, persons in custody will appear in person in the Judge Intensive Case Management Court (JCMC) to enter guilty pleas and for sentencing, unless ordered otherwise by the presiding judicial officer. Given the current limited video capacity in the institutions serving the Newmarket court, this will allow the court to accommodate timely and meaningful pleas for in-custody accused.

In Person Appearances for Guilty Pleas and Sentencing Hearings

In accordance with the OCJ Policy on Mode of Appearance ([Notice – Clarifying the Mode of Counsel’s Appearance under the Interim Guidelines re Mode of Appearance for Ontario Court of Justice Criminal Proceedings](#)), if an accused person is appearing in person to plead guilty or be sentenced, counsel will attend in person, unless a judicial officer directs otherwise.

Section 11(b) Applications

The following procedures will be followed in York Region for s. 11(b) *Charter* applications:

- Section 11(b) applications will be canvassed during judicial pre-trials and counsel are expected to advise the pre-trial judge if they intend to bring a s. 11(b) application.
- Section 11(b) applications will be canvassed in the trial scheduling court and counsel are expected to advise whether there will be a s. 11(b) application.
- If, after a trial date is scheduled, counsel decide to bring a s. 11(b) application, counsel must advise the Crown and the trial coordinator immediately so that a date can be secured for the application. Counsel must file the s. 11(b) application within 4 months of the trial date being set in the trial scheduling appearance, or in accordance with the timelines set out in the [Ontario Court of Justice Criminal Proceedings Rules](#), whichever is earlier. This will allow the scheduled trial dates to be utilized for other matters should the proceeding be stayed.
- With the consent of the parties, s. 11(b) applications may be heard by a motions judge who may not be the trial judge. The section 11(b) applications will be

scheduled through the trial coordinator's office to facilitate the motions judge having an opportunity to review the materials in advance of the hearing date.

- In accordance with the [Provincial Practice Direction regarding Time Limits for Oral Arguments on s. 11\(b\) Charter Applications in Criminal Proceedings](#), section 11(b) applications shall be scheduled for up to one hour for oral argument allocated as follows: 25 minutes for each party, and 10 minutes for reply, unless directed otherwise by the Local Administrative Judge, the judicial pre-trial judge or the presiding judge.

REMINDERS:

Purpose of JCMC:

JCMC is intended to address dated matters (15 months or older) in a meaningful way so they can move forward to resolution or trial. Counsel or agents appearing in JCMC court are expected to have a detailed knowledge of the case, know the reason the matter has been delayed, and be prepared to conduct a stand down judicial pre-trial, where necessary, to move the matter forward. At present, the threshold for matters in JCMC is 15 months. This can be changed at the discretion of the Local Administrative Judge.

202 Plea/Resolution Court

There are frequently many adjournment requests for matters on the 202 docket. This delays cases and impacts the time available to address guilty pleas that are ready to proceed. If a matter is scheduled in 202 for resolution, it is expected that the case is ready to proceed unless something unexpected and unforeseeable has arisen.

Domestic Violence Court (DVC)

Effective immediately, a Justice of the Peace will preside in the 106 DVC on Tuesdays and Wednesdays.

Justice M.L. Henschel
Local Administrative Justice