



THE SUPREME COURT OF THE NORTHWEST TERRITORIES

NOTICE TO THE PROFESSION

Section 525 Criminal Code (90 day) Reviews

This purpose of this Notice to the Profession is to ensure that counsel are aware of the Court's interpretation of the filing requirements for 90 day bail reviews under s. 525 of the *Criminal Code*.

Part 4 of the *Criminal Procedure Rules* deals with applications for judicial interim release and review. Counsel are reminded that Rule 31(2) makes Part 4 applicable to s. 525 reviews with the exception of the requirement to file a notice of motion. A notice of motion is not needed because s. 525 reviews are initiated, by operation of law, by a request from the institution having custody of an accused prisoner.

The following are, however, required on a s. 525 review where the accused is seeking release [Rule 32(2)]:

- an affidavit of the accused containing the information specified in Rule 32(3)
- where practicable, an affidavit of each proposed surety containing the information specified in Rule 32(2)(b)
- the Acknowledgment by Surety form attached to the Practice Direction "Acknowledgment by Surety" dated February 17, 2010, signed by each proposed surety
- the transcripts referred to in Rule 32(2)(c)
- copies of exhibits as specified in Rule 32(2)(d)

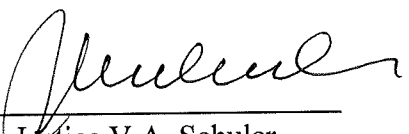
The Court is concerned about the number of instances in which counsel seek to proceed with a s. 525 review of detention without the required transcripts. Accordingly, the Supreme Court has given a standing direction to the Chief Court Reporter that whenever a s. 525 or other bail hearing is conducted in the Supreme Court and a decision is made to detain, or to continue to detain, an accused, a transcript of that hearing is to be prepared and placed on the court file. This direction is effective January 1, 2013. Counsel and self-represented accused are responsible for ordering and paying for their own copies of the transcript.

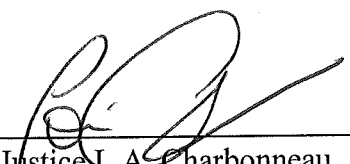
Where the bail decision for review was made by a Territorial Court Judge or a Justice of the Peace, counsel for the party seeking the review is expected to obtain, file and serve on the other side a transcript of the hearing and resulting decision.

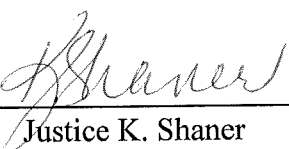
If the required transcripts are not filed, the s. 525 review may not proceed, subject always to the direction of the presiding Judge.

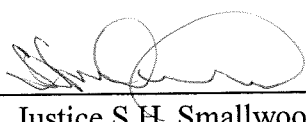
Transcripts and the accused's affidavit are not required when the accused waives the s. 525 review. Nor is a transcript of the waiver itself necessary on any future s. 525 review where the accused seeks release.

Issued this 21 day of February 2013 by direction of the judges of the Supreme Court of the Northwest Territories.


Justice V.A. Schuler


Justice L.A. Charbonneau


Justice K. Shaner


Justice S.H. Smallwood