



Territorial Court

PRACTICE DIRECTION

APPLICATIONS CONCERNING CRIMINAL MATTERS

Applications in Summary Form

1. (1) The following applications concerning criminal matters may be made in court without notice of motion, where the applicant provides a letter to the Clerk of the Territorial Court requesting that the matter be brought forward:

- (a) applications for adjournments;
- (b) applications to vary probation orders, conditional sentence orders, undertakings or recognizances;
- (c) applications for extensions of time in which to pay a fine;
- (d) applications for orders pursuant to s. 486 to s. 486.4 of the *Criminal Code*; and
- (e) applications for orders of a nature similar to those referred to in subsections (a) through (d).

(2) The letter shall briefly describe the nature of the order sought and the authority relied on.

(3) The applicant shall provide a copy of the letter to all parties and the Clerk of the Court not less than two clear days before the date set for the hearing.

Applications of a Brief Nature

2. Where an accused is otherwise required to attend court and counsel anticipate that the application referred to in section 1 will be brief, the presiding Judge may in his or her discretion forego the requirements of section 1.

Accused in Custody

3. (1) Where the accused who is in custody is making an application to the Court, counsel for the accused is responsible for obtaining a removal order if there is no other process bringing the applicant to court.

(2) In cases where an unrepresented accused who is in custody is making an application to the Court, and the Clerk of the Court is made aware that the accused is in custody with no process requiring the accused to be brought to court on the return date of the application, the Clerk shall, where it is feasible to do so, prepare the removal order and submit it to a Judge of the Territorial Court.

(3) Where an application is brought by the Crown and the accused is in custody, the Crown is responsible for obtaining a removal order for the accused if there is no other process to bring the accused to court.

Subpoenas for Witnesses located within the Northwest Territories

4. In the case of a potential witness who is located within the Northwest Territories, an application for a subpoena may be made before a justice of the peace by verbally advising the justice of the peace of the reasons for the application and the general nature of the anticipated evidence of the proposed witness.

Application of the *Criminal Procedure Rules of the Supreme Court of the Northwest Territories*

5. (1) Subject to the foregoing sections of this Practice Direction and any other Practice Direction of the Territorial Court, the following Parts of the *Criminal Procedure Rules of the Supreme Court of the Northwest Territories* (the “Rules”) apply to all criminal proceedings in the Territorial Court, with such modifications as the circumstances require:

- 1 – *General*;
- 2 – *Service*;
- 3 – *Applications Generally*;
- 7 – *Removal Orders*;
- 8 – *Subpoenas*;
- 9 – *Quashing Subpoenas*;
- 10 – *Crown Disclosure*;
- 11 – *3rd Party Documents*;
- 12 – *Constitutional Issues*;
- 13 – *Exclusion of Evidence*;
- 18 – *Change of Representation*;
- 20 – *Time*; and
- 21 – *Non-compliance*.

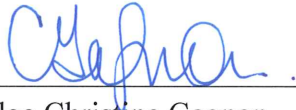
(2) Where pursuant to subsection (1), the *Criminal Procedure Rules of the Supreme Court of the Northwest Territories* apply, the forms set out in the Rules are to be conformed to with such modifications as the circumstances require.

Waiver

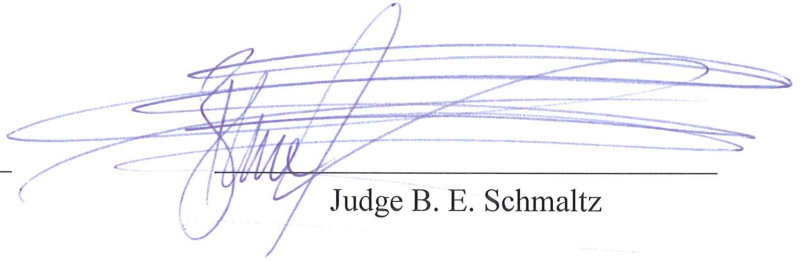
6. The Court may waive any of the foregoing requirements of this Practice Direction in the case of applicants who are not represented by counsel or where the Court otherwise deems it appropriate to do so.

7. This Practice Direction takes effect on April 4th, 2016.

Dated this 11th day of February, 2016.



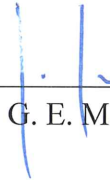
Chief Judge Christine Gagnon



Judge B. E. Schmaltz



Judge R. D. Gorin



Judge G. E. Malakoe