

## **Protocol – Fixing of Dates for In-Custody Accused (Surrey)**

1. This protocol does not apply to in-custody **self-represented** accused.
2. Judges should adjourn the file(s) for in-custody accused to a specific date before a JCM for a Virtual Fix Date appearance. Judges must state on the record the date and time of the JCM Fix Date, the reason for the adjournment, *i.e.* to fix a trial, JIR, sentencing, *etc.* and a time estimate for the matter to be fixed. Judges **MUST** also state on the record that the accused is not required to attend the Virtual JCM Fix Date appearance on the Warrant of Remand. The registry shall endorse the Warrant of Remand accordingly.
3. Defence counsel must attend the Virtual JCM Fix Date.<sup>1</sup> If Defence counsel does not attend, the JCM will adjourn the file(s) to the morning of the second business day following<sup>2</sup> in court 108 (or Court 104 for “K” files or Youth files) before a PCJ. The registry will generate a new Warrant of Remand for a video appearance of the accused returnable the next applicable day in 108 (or 104, as applicable).
4. **An accused *MUST* appear via video in Courtroom 100 to confirm appearances scheduled via the JCM FXD process (*i.e.* “CTD’s” for trials, sentencings, JIR’s, *etc.*) on indictable matters where there is no Counsel Designation Notice on file, following counsel setting a hearing date via a scheduled Virtual JCM FXD appearance.**
5. Following the JCM Fix Date appearance, the JCM will send to the registry the scheduling notice for all files fixed on the list and the registry will then produce a new Warrant of Remand compelling the accused to attend on the date scheduled. The JCM will also send the scheduling notice via email to:
  - a) [Surrey.Intake@gov.bc.ca](mailto:Surrey.Intake@gov.bc.ca), or
  - b) [PPSC.SurreyInCustody-EnDetentionSurrey.SPPC@ppsc-sppc.gc.ca](mailto:PPSC.SurreyInCustody-EnDetentionSurrey.SPPC@ppsc-sppc.gc.ca), and
  - c) Defence counsel.

For matters scheduled within 2 business days, the JCM will include “URGENT” in the *re:* line of the email.

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<sup>1</sup> Matters will continue to be scheduled as per local practice, *i.e.* in accordance with Crown Counsel’s and Defence Counsel’s availability. Crown counsel may attend the Virtual JCM Fix Date appearances or provide scheduling instructions in “Notes to JCM” in CCSS/PCSS.

<sup>2</sup> *e.g.* if “no show” on Monday, next appearance is Wednesday; if no-show on Wed, next appearance is Friday, *etc.*