As of Monday March 14, 2022, the Newmarket Courthouse will implement the Enhanced Designation Protocol, currently in use in roughly half of the Province. By this system, instead of matters being adjourned in the courtroom, Enhanced Designation matters are adjourned outside of court before the scheduled court date.  The matter is adjourned in court, on the record, but in the absence of the accused and/or  defence counsel.  The protocol is intended to address overloaded case management courts.

There had been hesitations by defence counsel  to use the enhanced designation due to concerns including:

1. Enhanced Designations not being processed / attached to Informations
2. Enhanced Designations being overlooked in busy case management courts
3. Matters not being adjourned to the date set out in the practice direction (and noted on the Designation) and
4. Crown counsel making submissions on delay

With this protocol, the Designation is reviewed by judicial official before the next court date and the matter is adjourned out of court to the adjournment date.  The matter is removed from the docket and is not addressed in court. Counsel are advised by email, in advance of the court date, that the matter has been adjourned.

**Process**

* 1                   **Defence files Enhanced Designation** **with Court**

Defence emails Designation to the Court, copied to the Crown

**2.    Court staff send Designation to judicial official**

Staff print Designation; send Designation and Information(s) to designated justice of the peace

**3.    Judicial official reviews Designation and, if valid, adjourns the matter**

Judicial official confirms that Designation (i) complies with the requirements of the Practice Direction; and (ii) proposed adjournment date is correct.  If so, the judicial official (i) adjourns the matter to the adjournment date set out on the Enhanced Designation; (ii) endorses the Information or, if remote, direct that it be endorsed to reflect adjournment

**4.** **Court staff update ICON and advise Counsel**

Court staff adjourn the matter to the proposed adjournment date, using the ICON code for Enhanced Designations.  Court staff email defence counsel (copied to Crown) and advise that matter has been adjourned.

**Three Scenarios:**

1. **If the Designation is valid (complies with practice direction)**, then the Justice of the Peace adjourns the matter; endorses the Information or, if remotely, direct that it be endorsed.  Court staff adjourn the matter to the proposed adjournment date, using the ICON code for Enhanced Designations.  Court staff email defence counsel (copied to Crown) and advise that matter has been adjourned.
2. **If the  Designation is valid but proposed adjournment date is incorrect,** then the Justice of the Peace adjourns the matter to the proper date; endorses the Information or, if remotely, direct that it be endorsed.  Court staff will adjourn the matter in ICON to the proper adjournment date identified by the judicial official.  Court staff will also email defence counsel (copied to Crown) and advise that matter has been adjourned, noting the different date.
3. **If the  Designation is not valid (i.e. does not comply with Practice Direction)**, then the matter is not adjourned and will remain on the docket for the scheduled court date and must be addressed in the case management court on the scheduled court appearance.    In this circumstance the Justice of the peace advises court staff who will then email defence counsel (copied to Crown) of this.

**Timelines** **for Submitting and Receiving the Designations**

Newmarket will require designations to be filed at least **5 business days** in advance of next court appearance (“general” Enhanced Designation protocol requires filing 3 business days in advance)

**Obligations of Crown and Defence to Move Case Forward**

Both Crown and Defence are expected to take the necessary steps within the 12-week period towards the completion of the intake phase of the case.  If the intake phase is completed before the adjournment period, the parties can move the case forward by securing a date with the trial coordinator or by bringing the case forward for resolution.

If Crown believes matter can be moved ahead more quickly than the standard 12-week adjournment, Crown should contact defence counsel to move the matter forward; case can always be brought forward. (Similar to general Enhanced Designation process)

In rare situations where Crown has concerns about validity of the Designation, it should advise Court and defence counsel asap, i.e. before Designation is reviewed by justice.  If already adjourned, the matter can be brought forward to the original court date, or another date, to address this concern.

**Where to Send Your Enhanced Designation**:

Provincial Crown: VirtualCrownNewmarket@ontario.ca

Public Prosecution Service of Canada: info@ghoshlitigation.com

Newmarket Courthouse: yorkcrim@ontario.ca