



PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

PRACTICE NOTE

Requests to transfer cases for guilty pleas outside the province are authorized by s-s 478(3) of the Criminal Code of Canada.

Historically there has been some confusion as to whether such requests should appear on court dockets and whether they need a judicial order to process.

A plain reading of s-s 478(3) shows that such transfers are an administrative function which do not require processing through the judicial route.

Commencing immediately all requests to transfer under s-s 478(3) will be processed in accordance with the instructional procedure contained in Policy # I 10-2 of the court's *Policy and Procedures Manual* (see copy attached).

Dated at St. John's, this 20th day of June 2002.

A handwritten signature in blue ink, appearing to read 'M.R. Reid'.

M.R. Reid
Chief Judge

Policy and Procedure read:-

Policy #:

I 10-2

Page:

1 of 1

Revised:

June 2002

TRANSFER OF CHARGES OUTSIDE OF THE PROVINCE
PURSUANT TO SEC.478(3) CCC

PURPOSE: To outline the procedures to be followed by Court staff in order to transfer charges to jurisdictions outside of province pursuant to Sec. 478(3) CCC.

- PROCEDURE:**
- 1) The Special Prosecutions Unit or an Agent on behalf of the Federal Crown will make a request to the Court seeking transfer of the charge(s) to a Court location outside the Province.
 - 2) Pull the Information(s). Photocopy the front and back of the Information(s) and supporting documents and retain along with the original Warrant, if any, together with the Request to Transfer and Consent of the Attorney General or his/her agent for Court files. Pursuant to Sec. 478(3) CCC a court hearing or an endorsement by the judge is **not** required.
 - 3) Send the original Information(s) and documents to the Senior Crown, Special Prosecutions Unit (see address below) or the Solicitor acting on behalf of the Federal Crown by registered mail and obtain proof of service.

Senior Crown
Special Prosecutions Unit
215 Water Street
St. John's, NF
A1C 6C9
 - 4) File the Proof of Service in the retained file.
 - 5) Recall any outstanding Warrant(s) and keep original Warrant(s) with photocopies of the Information(s)
 - 6) If the file is concluded and the originating court is notified of the disposition, please ensure the appropriate police agency is given a copy of this notification and attach the original notification to the file copy of Information.

NOTE: Number 4 above is required in the event the Accused fails to appear in the Court to which the matter has been transferred. Should this occur the Original file will be transferred back to Newfoundland and the Warrant re-issued.

Important: If a file is transferred back to Newfoundland and the warrant is re-issued you must do the following:

- 1) Go to the PCIS and reactivate case disposition (CD)
- 2) Remove "Waived out of Province" (WO)
- 3) Update appearances (UA) and indicate - warrant of arrest (WA)
- 4) Pick #4 - case status and change from "concluded (C) to activate (A)"

Prepared by: P & P Committee

Approved by: *P. Rydenberg*

Date: _____

Date *June 17/02*