



PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

SPECIALTY COURT APPLICATION PROCESS

PRACTICE NOTE

ISSUED: July 8, 2009

REVISED: September 30, 2013

EFFECTIVE: Immediately

The following practice note is issued consistent with Rule 6 of the *Rules of the Provincial Court of Newfoundland and Labrador in Criminal Proceedings* and section 720(2) of the *Criminal Code of Canada*.

BACKGROUND

The Mental Health Court has been operating in St. John's since 2005. The Court is designed to provide an increased level of support, both medical and community-based, to accused persons appearing before it. The Mental Health Court is based on the recognition that certain offenders who suffer from a mental disorder may commit offences as a consequence of their mental disorder or due to lifestyle issues related to their mental disorder such as inadequate or inappropriate housing, lack of employment, lack of support, noncompliance with medications and inappropriate self medication with alcohol or drugs. Health care professionals and corrections personnel will provide medical support and community based support to the individuals who are accepted into the Court.

The Mental Health Court sits every second Wednesday afternoon in Courtroom #8.

APPLICATION REQUIREMENT

All persons wishing to appear in the Mental Health Court must make an application.

All applications must be made within a reasonable time.

ACTION

To accommodate the application requirement, the following process will be instituted:

1. When a matter is called and the accused indicates a desire to have the case transferred to Mental Health Court, and an application has been filed, the presiding Judge will adjourn the matter until the next available date in Mental Health Court to have the merits of the application considered by that Court.
2. Applications should be filed and registered with the Criminal Division in the usual manner.
3. The application may take the form of the application attached to this Practice Note as Schedule "A".



Chief Judge D. Mark Pike
Provincial Court of Newfoundland and Labrador

Schedule A
Application Template

Form 1

In the Provincial Court of Newfoundland and Labrador
St. John's

Between

Applicant

And Her Majesty the Queen

Respondent

Notice of Application

Take Notice that an application will be brought at 2:00 p.m. on the ____ day of _____, 20__, in Mental Health Court, Courtroom #8, 4th floor of Atlantic Place, 215 Water Street, St. John's, Newfoundland and Labrador, for an order granting:

- 1.** That the charges listed below be transferred from Courtroom #____ to Mental Health Court, Courtroom #8, pursuant to section 720(2) of the *Criminal Code of Canada* and Rule 6 of the *Rules of the Provincial Court*.

The Grounds for this Application are:

- 1.** That the applicant is charged with a breach(es) of section(s)

of the *Criminal Code*, alleged to have occurred on or about the ____ day(s) of _____, 20__, at or near _____ in the Province of Newfoundland and Labrador, which charge(s) is(are) currently on the docket of Courtroom #_____.

- 2.** That the applicant has a history of mental illness (disability).
- 3.** That the applicant can establish that his or her mental illness/disability is connected to the commission of the offence currently before the court.

4. Such further and other grounds as counsel may advise and this Honourable Court may permit.

In Support of this Application, the Applicant Relies on the Following:

1. The affidavit of _____, counsel for the Accused.
2. The report of Dr. _____ or other health care professional (where available).

The Relief Sought is:

1. An Order allowing the Application and granting:
 - (a) The transfer of the above noted charge(s) to Mental Health Court, pursuant to section 720(2) of the *Criminal Code* and Rule 6 of the *Rules of the Provincial Court*.
 - (b) Such further and other relief as this Honourable Court may permit.

The Applicant may be Served with Documents Pertinent to this Application:

1. By service in accordance with Rule 5, at the following address:

_____.

Dated at St. John's, Newfoundland and Labrador, this ____ day of _____,
20__.

To: Presiding Judge

To: Crown Attorney

Form 2

In the Provincial Court of Newfoundland and Labrador
St. John's

Between

Applicant

And Her Majesty the Queen

Respondent

ORDER

Upon hearing _____, counsel for the accused,

And after Considering the affidavit and material filed in support of the application for transfer of the within proceedings to the Mental Health Court,

And Upon _____, counsel for the Crown consenting,

It is this day Ordered that the charge(s) listed on the application be transferred to the Mental Health Court, Courtroom #8, 4th floor of Atlantic Place, 215 Water Street, St. John's, Newfoundland and Labrador.

**Dated at St. John's, Newfoundland and Labrador, this _____ day of _____,
20__.**
